

SA 200. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

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SA 202. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 203. Mr. ALLEN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 204. Mr. COCHRAN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 205. Mr. McCONNELL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 206. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 207. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 208. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 209. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 210. Mr. NICKLES submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 211. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

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SA 213. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 214. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 215. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 216. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 217. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 218. Mr. HATCH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 219. Mr. HATCH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 220. Mrs. BOXER (for herself, Mr. ENSIGN, and Mr. SPECTER) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 221. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 222. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 223. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 224. Mr. BOND submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 225. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 226. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 227. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 228. Mr. HARKIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 229. Mr. HARKIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 230. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 231. Mr. GRAHAM, of Florida (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 232. Mr. GRAHAM, of Florida (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 233. Mr. CORZINE (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 234. Mr. CORZINE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 235. Mr. CORZINE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 236. Mr. HARKIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 237. Mr. DODD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 238. Mr. DODD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 239. Mr. DODD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 240. Mr. SMITH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 241. Mr. CHAFEE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 242. Mr. EDWARDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 243. Mr. EDWARDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 244. Mr. EDWARDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

SA 245. Mr. DOMENICI submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 67. Mr. EDWARDS (for himself, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. CLINTON, Mr. REID, Mr. DASCHLE, and Mr. SCHUMER) proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . NEW SOURCE REVIEW FINAL RULE.

(a) COOPERATIVE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall enter into a cooperative agreement with the National Academy of Sciences to determine, not later than September 1, 2003, whether and to what extent the final rule relating to prevention of significant deterioration and nonattainment new source review, published at 67 Fed. Reg. 80186 (December 31, 2002), would allow or could result in—

(1) any increase in air pollution (in the aggregate or at any specific site); or

(2) any adverse effect on human health.

(b) DELAYED EFFECTIVE DATE.—The final rule described in subsection (a) shall not take effect before September 15, 2003.

SA 68. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. ____ . MODIFICATION OF FUNDING REQUIREMENTS FOR CERTAIN PLANS.

(a) FUNDING RULES FOR CERTAIN PLANS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974, the minimum funding rules under paragraph (2) shall apply for any plan year beginning after December 31, 2002, in the case of a defined benefit plan which—

(A) was established by an air carrier which was granted a conditional loan guarantee by the Air Transport Stabilization Board on July 10, 2002, and which filed for protection under chapter 11 of title 11, United States Code, on August 11, 2002, and

(B) is maintained for the benefit of such carrier's employees pursuant to a collective bargaining agreement.

(2) SPECIAL FUNDING RULE.—

(A) IN GENERAL.—In the case of a plan described in paragraph (1), the minimum funding requirements under this paragraph shall be the requirements set forth in Treasury Regulation section 1.412(c)(1)-3 (as in effect on the date of the enactment of this section).

(B) RULES OF SPECIAL APPLICATION.—In applying the requirements of Treasury Regulation section 1.412(c)(1)–3 for purposes of paragraph (1)—

(i) the plan shall be treated as having met the requirements of Treasury Regulation section 1.412(c)(1)–3(a)(2),

(ii) the payment schedules shall be determined—

(I) by using the maximum amortization period permitted under section 1.412(c)(1)–3, and

(II) on the basis of the actuarial valuation of the accrued liability and the current liability of the plan as of January 1, 2003, less the actuarial value of the plan assets on that date,

(iii) the payments under a restoration payment schedule shall be made in level amounts over the payment period, and

(iv) the actuarial value of assets shall be the fair market value of such assets as of January 1, 2003, with prospective investment returns in excess of or less than the assumed return phased in over 5 years.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

SA 69. Mrs. CLINTON submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1014, after line 13, insert the following new section:

“SEC. 423. From amounts previously appropriated under the heading “Emergency Response Fund” in Public Law 107–038, \$90,000,000 shall be made available, until expended, for the Federal Emergency Management Agency to administer baseline and follow-up screening and clinical examinations and long-term health monitoring and analysis for emergency services personnel and rescue and recovery personnel, of which not less than \$25,000,000 shall be made available for such services for current and retired firefighters.”.

SA 70. Mr. FRIST submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place add the following:

United States Postal Service

The United States Postal Service (USPS) is required under Title 5, Chapter 83 United States Code, to fund civil service Retirement System benefits attributable to USPS employment since 1971;

The Office of Personnel Management has reviewed the USPS financing of the civil Service Retirement System and determined current law payments overfund USPS liability;

Therefore, It is the Sense of the Senate that the Congress should address the USPS funding of the Civil Service Retirement System pension benefits.

SA 71. Mr. DODD (for himself, Mr. KENNEDY, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. MURRAY, Mr. EDWARDS, Mr. DAYTON, Mr. CORZINE, Mr. KERRY, Mr. REID, Mr. REED, Mrs. CLINTON, Mr. BINGAMAN, Mr. JOHNSON, and Mr. SCHUMER) proposed an amendment to the joint resolution H.J. Res. 2, making further con-

tinuing appropriations for the fiscal year 2003, and for other purposes; as follows:

On page 1052, line 25, strike “budget.” and insert the following: “budget).

TITLE —FUNDING EDUCATION FOR CHILDREN WITH DISABILITIES

SEC. —. HELPING CHILDREN SUCCEED BY FUNDING THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA).

Congress makes the following findings:

(1) All children deserve a quality education.

(2) In *Pennsylvania Association for Retarded Children vs. Commonwealth of Pennsylvania* (334 F. Supp. 1247)(E. Dist. Pa. 1971), and *Mills vs. Board of Education of the District of Columbia* (348 F. Supp. 866)(Dist. D.C. 1972), the courts found that children with disabilities are entitled to an equal opportunity to an education under the 14th amendment of the Constitution.

(3) In 1975, Congress passed what is now known as the Individuals with Disabilities Education Act (referred to in this section as “IDEA”) (20 U.S.C. 1400 et seq.) to help States provide all children with disabilities a free, appropriate public education in the least restrictive environment. At full funding, Congress contributes 40 percent of the average per pupil expenditure for each child with a disability served.

(4) Before 1975, only 1/5 of the children with disabilities received a formal education. At that time, many States had laws that specifically excluded many children with disabilities, including children who were blind, deaf, or emotionally disturbed, from receiving such an education.

(5) IDEA currently serves an estimated 200,000 infants and toddlers, 600,000 preschoolers, and 5,400,000 children 6 to 21 years of age.

(6) IDEA enables children with disabilities to be educated in their communities, and thus, has assisted in dramatically reducing the number of children with disabilities who must live in State institutions away from their families.

(7) The number of children with disabilities who complete high school has grown significantly since the enactment of IDEA.

(8) The number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA.

(9) The overall effectiveness of IDEA depends upon well trained special education and general education teachers, related services personnel, and other school personnel. Congress recognizes concerns about the nationwide shortage of personnel serving students with disabilities and the need for improvement in the qualifications of such personnel.

(10) IDEA has raised the Nation’s awareness about the abilities and capabilities of children with disabilities.

(11) Improvements to IDEA in the 1997 amendments increased the academic achievement of children with disabilities and helped them to lead productive, independent lives.

(12) Changes made in 1997 also addressed the needs of those children whose behavior impedes learning by implementing behavioral assessments and intervention strategies to ensure that they receive appropriate supports in order to receive a quality education.

(13) IDEA requires a full partnership between parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities.

(14) While the Federal Government has more than doubled funding for part B of

IDEA since 1995, the Federal Government has never provided more than 17 percent of the maximum State grant allocation for educating children with disabilities.

(15) By fully funding IDEA, Congress will strengthen the ability of States and localities to implement the requirements of IDEA.

SEC. —. FUNDING FOR PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, in addition to any amounts otherwise appropriated under this Act for part B of the Individuals with Disabilities Education Act, other than section 619 of such part, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, \$1,500,000,000 for carrying out such part, other than section 619 of such part, to remain available through September 30, 2004.

(b) ACROSS-THE-BOARD RESCISSION.—Notwithstanding any other provision of this Act, funds provided under subsection (a) shall not result in a further across-the-board rescission under section 601 of Division N.”.

SA 72. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the joint resolution, insert the following:

SEC. —. In addition to the funds provided elsewhere in this joint resolution, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2003: \$10,000,000 to provide for grants as authorized by section 11027 of Public Law 107–273, to implement the Crime-free Rural States Program.

(b) The amount made available under the account for buildings and facilities of the Federal Prison System in this joint resolution is reduced by \$10,000,000.

SA 73. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the joint resolution, insert the following:

SEC. —. In addition to the funds provided elsewhere in this joint resolution, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2003: \$10,000,000 to provide for grants as authorized by section 11027 of Public Law 107–273, to implement the Crime-free Rural States Program.

SA 74. Mr. STEVENS (for himself and Mr. FRIST) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table, as follows:

In Division L, Homeland Security Act of 2002 Amendments, in Section 101(1)(b)(2)(c), strike the first sentence and insert in lieu thereof:

“To the extent that exercising such discretion is in the interest of Homeland Security, and with respect to the designation of any

given university-based center for homeland security, the Security may except certain criteria as specified in 308(b)(2)(B) and consider additional criteria beyond those specified in 308(b)(2)(B)."

SA 75. Mrs. CLINTON submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1037, strike lines 7 through 12 and insert the following:

SEC. 206. SPECIALTY CROPS.

(a) **DEFINITION OF SPECIALTY CROP.**—In this section, the term "specialty crop" means any agricultural commodity, other than wheat, feed grains, oilseeds, cotton, rice, peanuts, or tobacco.

(b) **ASSISTANCE.**—The Secretary shall use \$500,000,000 of funds of the Commodity Credit Corporation to provide emergency financial assistance for each of crop years 2001 and 2002 to producers of specialty crops for losses incurred as a result of damaging weather or related condition.

SA 76. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes, which was ordered to lie on the table; as follows:

In Division A, at the appropriate place, insert the following new section:

"SEC. . There is hereby appropriated \$6,000,000 for grants made available in accordance with section 7412 of Public Law 107-171."

SA 77. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table, as follows:

In Division A, at the appropriate place, insert the following new section:

"SEC. . SUMMER FOOD PILOT PROJECTS.

(a) **IN GENERAL.**—Section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) is amended—

(1) in paragraph (1), by striking "means a State" and all that follows and inserting "means each State.;"

(2) in paragraph (5)(A), by striking "pilot project" and inserting "pilot projects carried out in eligible States that participated in the pilot project during fiscal year 2001"; and

(3) in paragraph (6)(A), by inserting "in eligible States that participated in the pilot project during fiscal year 2001" after "carried out".

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) take effect immediately upon enactment of this Act."

SA 78. Mr. GREGG proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003; and for other purposes; as follows:

At the appropriate place, add the following:

"SEC. . FUNDING FOR INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

In addition to any amounts otherwise appropriated under this Act for support of the Individuals with Disabilities Education Act

the following sum is appropriated out of any money in the Treasury not otherwise appropriated for this fiscal year ending September 30, 2003, \$1,500,000,000, which is to remain available through September 30, 2004, provided that, unless there is a separate and specific offset for any amounts that are appropriated under Title III of Division G for support of special education in excess of \$9,691,424,000 for the individuals with Disabilities Education Act, the percentage amount of any across-the-board rescission provided under section 601 of Division of N of this Act shall be increased by the percentage amount necessary to rescind an amount of funds equal to the total amounts appropriated in excess of \$9,691,424,000 for special education in Title III of Division G."

SA 79. Mr. DASCHLE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1032, strike line 21 and all that follows through page 1040, line 25, and insert the following:

TITLE II—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Emergency Agricultural Disaster Assistance Act of 2003".

SEC. 202. CROP DISASTER ASSISTANCE.

(a) **IN GENERAL.**—The Secretary of Agriculture (referred to in this title as the "Secretary") shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop losses for the 2001 or 2002 crop, or both, due to damaging weather or related condition, as determined by the Secretary.

(b) **ADMINISTRATION.**—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549, 1549A-55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(c) **CROP INSURANCE.**—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

SEC. 203. LIVESTOCK ASSISTANCE PROGRAM.

(a) **IN GENERAL.**—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation as are necessary to make and administer payments for livestock losses to producers for 2001 or 2002 losses, or both, in a county that has received a corresponding emergency designation by the President or the Secretary, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549, 1549A-51).

(b) **ADMINISTRATION.**—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549, 1549A-51).

SEC. 204. FUNDING.

Of the funds of the Commodity Credit Corporation, the Secretary shall—

(1) use such sums as are necessary to carry out this title, to remain available until expended; and

(2) transfer to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to remain available until expended, an amount equal to the amount of funds under section 32 of that Act that—

(A) were made available before the date of enactment of this Act to provide assistance to livestock producers under the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070); and

(B) were not otherwise reimbursed from another account used by the Secretary or the Commodity Credit Corporation.

SEC. 205. EMERGENCY DESIGNATION.

(a) **IN GENERAL.**—The entire amount made available under this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) **DESIGNATION.**—The entire amount made available under this section is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

SEC. 206. BUDGETARY TREATMENT.

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the Joint Explanatory Statement of the Committee of Conference accompanying Conference Report No. 105-217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) were it included in an Act other than an appropriation Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902).

SA 80. Mr. DAYTON (for himself, Mr. JOHNSON, and Mr. COLEMAN) proposed an amendment to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . CONTRACTS WITH CORPORATE EXPATRIATES.

(a) **SHORT TITLE.**—This section may be cited as the "Senator Paul Wellstone Corporate Patriotism Act of 2003".

(b) **LIMITATION ON WAIVERS.**—Section 835 of the Homeland Security Act of 2002 (Public Law 107-296) is amended by striking subsection (d) and inserting the following:

"(d) **WAIVERS.**—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is essential to the national security."

(c) **EXPANDED COVERAGE OF ENTITIES.**—Section 835(a) of such Act is amended by inserting "nor any directly or indirectly held subsidiary of such entity" after "subsection (b)".

(d) Section 835(b)(1) of such Act is amended by inserting "before, on, or" after "completes".

SA 81. Mr. DAYTON (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him

to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CONTRACTS WITH CORPORATE EXPATRIATES.

(a) **SHORT TITLE.**—This section may be cited as the “Senator Paul Wellstone Corporate Patriotism Act of 2003”.

(b) **LIMITATION ON WAIVERS.**—Section 835 of the Homeland Security Act of 2002 (Public Law 107-296) is amended by striking subsection (d) and inserting the following:

“(d) **WAIVERS.**—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is essential to the national security.”

(c) **EXPANDED COVERAGE OF ENTITIES.**—Section 835(a) of such Act is amended by inserting “nor any directly or indirectly held subsidiary of such entity” after “subsection (b)”.

(d) Section 835(b)(1) of such act is amended by inserting “before, on, or” after “completes”.

SEC. This provision shall take effect 1 day after enactment.

SA 82. Mr. EDWARDS (for himself, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. CLINTON, and Mr. REID) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . NEW SOURCE REVIEW FINAL RULE.

(a) **COOPERATIVE AGREEMENT.**—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall enter into a cooperative agreement with the National Academy of Sciences to determine, not later than September 1, 2003, whether and to what extent the final rule relating to prevention of significant deterioration and nonattainment new source review, published at 67 Fed. Reg. 80186 (December 31, 2002), would allow or could result in—

(1) any increase in air pollution (in the aggregate or at any specific site); or

(2) any adverse effect on human health.

(b) **DELAYED EFFECTIVE DATE.**—The final rule described in subsection (a) shall not take effect before September 16, 2003.

SA 83. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. Notwithstanding any other provision of law, the National Nuclear Security Administration is prohibited from taking any actions adversely affecting employment at its Nevada Operations Office for a period of not less than 365 days. During this period, the National Nuclear Security Administration is directed to establish a Financial Services Center of Excellence to be maintained and operated in its offices in Las Vegas, Nevada.

SA 84. Mr. REID submitted an amendment intended to be proposed by

him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

SEC. ____ . NORTH LAS VEGAS WATER REUSE PROJECT.

(a) **AUTHORIZATION.**—The Secretary of the Interior, in cooperation with the appropriate local authorities, may participate in the design, planning, and construction of the North Las Vegas Water Reuse Project (hereinafter referred to as the ‘Project’) to reclaim and reuse water in the service area of the North Las Vegas Utility Division Service Area of the city North Las Vegas and country of Clark, Nevada.

(b) **COST SHARE.**—The Federal share of the cost of the Project shall not exceed 25 percent of the total cost.

(c) **LIMITATION.**—Funds provided by the Secretary shall not be used for the operation or maintenance of the Project.

(d) **FUNDING.**—Funds appropriated pursuant to section 1631 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-13) may be used for the Project.

SEC. Reclamation Wastewater and Groundwater Study and Facilities Act.—Design, planning, and construction of the Project authorized by this Act shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (106 Stat. 4663-4669, 43 U.S.C. 390th et seq.), as amended.

SA 85. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. The Secretary of the Interior, and the heads of other participating Federal agencies, may participate in the CALFED Bay-Delta Authority established by the California Bay-Delta Act (2002 Cal. Stat. Chap. 812), to the extent not inconsistent with other law. The Secretary of the Interior, in carrying out CALFED activities, may undertake feasibility studies for Sites Reservoir, Los Vaqueros Enlargement, In-Delta Storage, and Upper San Joaquin Storage Projects.

SA 86. Mr. INHOFE proposed an amendment to amendment SA 67 proposed by Mr. EDWARDS (for himself, Mr. LIEBERMAN, Mr. JEFFORDS, Mrs. CLINTON, Mr. REID, Mr. DASCHLE, and Mr. SCHUMER) to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

On page 1, strike all after “Sec.” and insert the following:

“(a) **COOPERATIVE AGREEMENT.**—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall enter into a cooperative agreement with the National Academy of Sciences to evaluate the impact of the final rule relating to prevention of significant deterioration and nonattainment new source review, published at 67 Fed. Reg. 80186 (December 31, 2002). The study shall include—

(1) increases or decreases in emissions of pollutants regulated under the New Source Review program;

(2) impacts on human health;

(3) pollution control and prevention technologies installed after the effective date of the rule at facilities covered under the rule-making;

(4) increases or decreases in efficiency of operations, including energy efficiency, at covered facilities; and

(5) other relevant data.

(b) **DEADLINE.**—The NAS shall submit an interim report to Congress no later than March 3, 2004, and shall submit a final report on implementation of the rules.

SA 87. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. (a) Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting “Kentucky,” after “Illinois.”

(b) The amendment made by subsection (a) takes effect on January 1, 2003.

SA 88. Mr. WARNER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, between lines 8 and 9, insert the following:

SEC. ____ . REPLACEMENT OF COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) **IN GENERAL.**—The map described in subsection (b) is replaced, in the maps depicting the Coastal Barrier Resources System that are referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), by the map entitled “Plum Tree Island Unit VA-59P, Long Creek Unit VA-60/VA-60P” and dated May 1, 2002.

(b) **DESCRIPTION OF REPLACED MAP.**—The map referred to in subsection (a) is the map that—

(1) relates to Plum Island Unit VA-59P and Long Creek Unit VA-60/VA-60P located in Poquoson and Hampton, Virginia; and

(2) is included in a set of maps entitled “Coastal Barrier Resources System”, dated October 24, 1990, revised on October 23, 1992, and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)).

(c) **AVAILABILITY.**—The Secretary of the Interior shall keep the replacement map described in subsection (b) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

SA 89. Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. BINGAMAN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION O—MEDICARE AND MEDICAID PROVISIONS

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES TO BIPA; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This division may be cited as the “Health Care Improvement Act of 2003”.

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this division an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) BIPA.—In this division, the term “BIPA” means the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106-554.

(d) TABLE OF CONTENTS.—The table of contents of this division is as follows:

DIVISION O—MEDICARE AND MEDICAID PROVISIONS

Sec. 1. Short title; amendments to Social Security Act; references to BIPA; table of contents.

TITLE I—MEDICARE PROVISIONS

- Sec. 101. Revision of acute care hospital payment updates.
- Sec. 102. Extension of level of adjustment for Indirect Costs of Medical Education (IME).
- Sec. 103. Hospital outpatient department outlier payments.
- Sec. 104. Hospital outpatient department transitional payments.
- Sec. 105. Application of rules for determining provider-based status for certain entities.
- Sec. 106. Extension of treatment of certain physician pathology services.
- Sec. 107. Extension of the authorization for appropriations for Medicare Rural Grant Program.
- Sec. 108. Extension of enhanced payments for psychiatric hospitals.
- Sec. 109. Additional delay in application of 15 percent reduction on payment limits for home health services.
- Sec. 110. Extension of temporary increase for home health services furnished in a rural area.
- Sec. 111. Extension of temporary increase in adjusted Federal per diem rate under PPS for skilled nursing facilities.
- Sec. 112. Extension of increase in nursing component of PPS Federal rate under PPS for skilled nursing facilities.
- Sec. 113. Increase in renal dialysis composite rate for services furnished in 2003.
- Sec. 114. Extension of the authorization for appropriations for vaccines outreach expansion.
- Sec. 115. Extension of moratorium on therapy caps.
- Sec. 116. Increase in the conversion factor for payments under the Medicare physician fee schedule.
- Sec. 117. Revision of Medicare+Choice minimum percentage increase.

TITLE II—MEDICAID PROVISIONS

- Sec. 201. Extension of Medicare cost-sharing for part B premium for certain additional low-income Medicare beneficiaries.
- Sec. 202. Medicaid DSH allotments.

TITLE III—APPLICATION AND BUDGET SCOREKEEPING

- Sec. 301. Application of provisions of division.
- Sec. 302. Budget Scorekeeping.

TITLE I—MEDICARE PROVISIONS

SEC. 101. REVISION OF ACUTE CARE HOSPITAL PAYMENT UPDATES.

Subclause (XVIII) of section 1886(b)(3)(B)(i) (42 U.S.C. 1395ww(b)(3)(B)(i)) is amended by striking “minus 0.55 percentage points”.

SEC. 102. EXTENSION OF LEVEL OF ADJUSTMENT FOR INDIRECT COSTS OF MEDICAL EDUCATION (IME).

(a) IN GENERAL.—Section 1886(d)(5)(B)(ii) (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended—

(1) in subclause (VI) by inserting “and fiscal year 2003” after “2002”; and

(2) in subclause (VII), by striking “2002” and inserting “2003”.

(b) CONFORMING AMENDMENT RELATING TO DETERMINATION OF STANDARDIZED AMOUNT.—Section 1886(d)(2)(C)(i) (42 U.S.C. 1395ww(d)(2)(C)(i)) is amended—

(1) by striking “1999 or” and inserting “1999,”; and

(2) by inserting “, or of section 102 of the Health Care Improvement Act of 2003” after “2000”.

SEC. 103. HOSPITAL OUTPATIENT DEPARTMENT OUTLIER PAYMENTS.

(a) IN GENERAL.—Section 1833(t)(5) (42 U.S.C. 1395f(t)(5)) is amended—

(1) in subparagraph (C)—

(A) in clause (i), by striking “exceed the applicable” and inserting “exceed a percentage specified by the Secretary that is not less than the applicable minimum percentage or greater than the applicable maximum”; and

(B) by striking clause (ii) and inserting the following new clause:

“(ii) APPLICABLE PERCENTAGES.—For purposes of clause (i)—

“(I) the term ‘applicable minimum percentage’ for a year means zero percent for years before 2003 and 2.0 percent for years after 2002; and

“(II) the term ‘applicable maximum percentage’ for a year means 2.5 percent for years before 2003 and 3.0 percent for years after 2002.”; and

(2) in subparagraph (D)—

(A) in the heading, by striking “TRANSITIONAL AUTHORITY” and inserting “FLEXIBILITY”; and

(B) in the matter preceding clause (i), by striking “for covered OPD services furnished before January 1, 2002.”.

SEC. 104. HOSPITAL OUTPATIENT DEPARTMENT TRANSITIONAL PAYMENTS.

Section 1833(t)(7) (42 U.S.C. 1395f(t)(7)) is amended—

(1) in subparagraph (B)—

(A) in the heading, by inserting “AND 2003” after “2002”; and

(B) by inserting “and 2003” after “furnished during 2002” in the matter preceding clause (i); and

(2) in subparagraph (C)—

(A) in the heading, by striking “2003” and inserting “2004”; and

(B) by striking “2003” and inserting “2004” in the matter preceding clause (i); and

(3) in subparagraph (D)(i), by striking “2004” and inserting “2005”.

SEC. 105. APPLICATION OF RULES FOR DETERMINING PROVIDER-BASED STATUS FOR CERTAIN ENTITIES.

Section 404 of BIPA (114 Stat. 2763A-506) is amended by striking “2002” and inserting “2003” each place it appears.

SEC. 106. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of BIPA (114 Stat. 2763A-550) is amended by striking “2-year period” and inserting “3-year period”.

SEC. 107. EXTENSION OF THE AUTHORIZATION FOR APPROPRIATIONS FOR MEDICARE RURAL GRANT PROGRAM.

Section 1820(j) (42 U.S.C. 1395i-4(j)) is amended by striking “2002” and inserting “2003”.

SEC. 108. EXTENSION OF ENHANCED PAYMENTS FOR PSYCHIATRIC HOSPITALS.

Section 1886(b)(2)(E)(i) (42 U.S.C. 1395ww(b)(2)(E)(i)) is amended—

(1) in subclause (I), by striking “and” at the end;

(2) in subclause (II), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subclause:

“(III) only in the case of a hospital or unit described in clause (ii)(I), for a cost reporting period beginning on or after October 1, 2002, and before September 30, 2003, 2 percent.”.

SEC. 109. ADDITIONAL DELAY IN APPLICATION OF 15 PERCENT REDUCTION ON PAYMENT LIMITS FOR HOME HEALTH SERVICES.

Section 1895(b)(3)(A)(i) (42 U.S.C. 1395fff(b)(3)(A)(i)) is amended—

(1) by redesignating subclause (III) as subclause (IV);

(2) in subclause (IV), as redesignated, by striking “described in subclause (II)” and inserting “described in subclause (III)”;

(3) by inserting after subclause (II) the following new subclause:

“(III) For the 12-month period beginning after the period described in subclause (II), such amount (or amounts) shall be equal to the amount (or amounts) determined under subclause (II), updated under subparagraph (B).”.

SEC. 110. EXTENSION OF TEMPORARY INCREASE FOR HOME HEALTH SERVICES FURNISHED IN A RURAL AREA.

(a) IN GENERAL.—Section 508(a) BIPA (114 Stat. 2763A-533) is amended—

(1) by striking “24-MONTH INCREASE BEGINNING APRIL 1, 2001” and inserting “IN GENERAL”; and

(2) by striking “April 1, 2003” and inserting “October 1, 2003”.

(b) CONFORMING AMENDMENT.—Section 547(c)(2) of BIPA (114 Stat. 2763A-553) is amended by striking “the period beginning on April 1, 2001, and ending on September 30, 2002.” and inserting “a period under such section”.

SEC. 111. EXTENSION OF TEMPORARY INCREASE IN ADJUSTED FEDERAL PER DIEM RATE UNDER PPS FOR SKILLED NURSING FACILITIES.

Section 101(d)(1) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (Appendix F, 113 Stat. 1501A-325), as enacted into law by section 1000(a)(6) of Public Law 106-113, is amended—

(1) in the heading, by striking “AND 2002” and inserting “, 2002, AND 2003”; and

(2) by striking “and 2002” and inserting “, 2002, and 2003”.

SEC. 112. EXTENSION OF INCREASE IN NURSING COMPONENT OF PPS FEDERAL RATE UNDER PPS FOR SKILLED NURSING FACILITIES.

Section 312(a) of BIPA (114 Stat. 2763A-498) is amended by striking “October 1, 2002” and inserting “October 1, 2003”.

SEC. 113. INCREASE IN RENAL DIALYSIS COMPOSITE RATE FOR SERVICES FURNISHED IN 2003.

Notwithstanding any other provision of law, with respect to payment under part B of title XVIII of the Social Security Act for renal dialysis services furnished in 2003, the composite payment rate otherwise established under section 1881(b)(7) of such Act (42 U.S.C. 1395rr(b)(7)) shall be increased by 1.2 percent.

SEC. 114. EXTENSION OF THE AUTHORIZATION FOR APPROPRIATIONS FOR VACCINES OUTREACH EXPANSION.

Section 4107(b) of the Balanced Budget Act of 1997 (42 U.S.C. 1395x note) is amended by striking “2002” and inserting “2003”.

SEC. 115. EXTENSION OF MORATORIUM ON THERAPY CAPS.

Section 1833(g)(4) (42 U.S.C. 1395i(g)(4)) is amended by striking “and 2002” and inserting “2002, and 2003”.

SEC. 116. INCREASE IN THE CONVERSION FACTOR FOR PAYMENTS UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

(a) IN GENERAL.—Section 1848(d)(5)(A) of the Social Security Act (42 U.S.C. 1395w-4(d)(5)(A)), as added by section 402 of title IV of division N of this Act, is amended by inserting “increased by 2 percent” after “2002”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of such section 402.

SEC. 117. REVISION OF MEDICARE+CHOICE MINIMUM PERCENTAGE INCREASE.

Section 1853(c)(1)(C) (42 U.S.C. 1395w-23(c)(1)(C)) is amended by striking clause (iv) and inserting the following:

“(iv) For 2002, 102 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for 2001.

“(v) For 2003, 104 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for 2002.

“(vi) For 2004 and each succeeding year, 102 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for the previous year.”.

TITLE II—MEDICAID PROVISIONS

SEC. 201. EXTENSION OF MEDICARE COST-SHARING FOR PART B PREMIUM FOR CERTAIN ADDITIONAL LOW-INCOME MEDICARE BENEFICIARIES.

Section 136 of Public Law 107-229, as added by section 5 of Public Law 107-240, is amended by striking “60 days after the date specified in section 107(c) of Public Law 107-229, as amended” and inserting “September 30, 2003”.

SEC. 202. MEDICAID DSH ALLOTMENTS.

(a) CONTINUATION OF BIPA RULE FOR DETERMINATION OF ALLOTMENTS FOR FISCAL YEAR 2003.—

(1) IN GENERAL.—Section 1923(f)(4) (42 U.S.C. 1396r-4(f)(4)) is amended—

(A) in the paragraph heading, by striking “AND 2002” and inserting “THROUGH 2003”; and

(B) in subparagraph (A)—

(i) in clause (i), by striking “and” at the end;

(ii) in clause (ii), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(iii) fiscal year 2003, shall be the DSH allotment determined under clause (ii) increased, subject to subparagraph (B) and paragraph (5), by the percentage change in the consumer price index for all urban consumers (all items; U.S. city average) for fiscal year 2002.”; and

(C) in subparagraph (C)—

(i) in the subparagraph heading, by striking “2002” and inserting “2003”; and

(ii) by striking “2003” and inserting “2004”.

(2) CONFORMING AMENDMENTS.—Section 1923(f)(3) (42 U.S.C. 1396r-4(f)(3)) is amended—

(A) in the paragraph heading, by striking “2003” and inserting “2004”; and

(B) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—The DSH allotment for any State—

“(i) for fiscal year 2004, is equal to the DSH allotment determined for the State for fiscal year 2002 under the table set forth in paragraph (2), increased, subject to subparagraph (B) and paragraph (5), by the percentage change in the Consumer Price Index for all urban consumers (all items; U.S. city average), for fiscal year 2004; and

“(ii) for fiscal year 2005 and each succeeding fiscal year, is equal to the DSH allotment determined for the State for the preceding fiscal year under this paragraph, increased, subject to subparagraph (B) and paragraph (5), by the percentage change in

the Consumer Price Index for all urban consumers (all items; U.S. city average), for the previous fiscal year.”.

(b) INCREASE IN FLOOR FOR TREATMENT AS AN EXTREMELY LOW DSH STATE TO 3 PERCENT IN FISCAL YEAR 2003.—Section 1923(f)(5) (42 U.S.C. 1396r-4(f)(5)) is amended—

(1) by striking “fiscal year 1999” and inserting “fiscal year 2001”; and

(2) by striking “Health Care Financing Administration” and inserting “Centers for Medicare & Medicaid Services”; and

(3) by striking “August 31, 2000” and inserting “August 31, 2002”; and

(4) by striking “1 percent” each place it appears and inserting “3 percent”; and

(5) by striking “fiscal year 2001” and inserting “fiscal year 2003 (as determined under paragraph (4)(A)(iii))”.

TITLE III—APPLICATION AND BUDGET SCOREKEEPING

SEC. 301. APPLICATION OF PROVISIONS OF DIVISION.

(a) APPLICATION ONLY TO LAST 6 MONTHS OF FISCAL YEAR 2003.—Except for the amendments made by sections 116 and 201, the provisions of, and amendments made by, this division shall only apply to the Social Security Act, the Balanced Budget Act of 1997, the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (Appendix F, 113 Stat. 1501A-321), as enacted into law by section 1000(a)(6) of Public Law 106-113, and BIPA during the period that begins on April 1, 2003, and ends on September 30, 2003.

(b) NO EFFECT ON PERIODS BEYOND SEPTEMBER 30, 2003.—All provisions of, and amendments made by, this division shall not apply after September 30, 2003, and, after such date, the Social Security Act, the Balanced Budget Act of 1997, the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (Appendix F, 113 Stat. 1501A-321), as enacted into law by section 1000(a)(6) of Public Law 106-113, and BIPA shall be applied and administered as if the provisions of, and amendments made by, this division had not been enacted.

SEC. 302. BUDGET SCOREKEEPING.

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, the provisions of this division that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairmen of the House and Senate Budget Committees, as appropriate, under the Congressional Budget Act of 1974.

SA 90. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 506, strike lines 3 through 9 and insert the following:

“ervation activities, \$936,593,000, to remain available until expended: *Provided*, That \$322,300,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507(3)): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509 (15 U.S.C. 4502(d)(2)), such sums shall be

allocated to the eligible programs as follows: \$277,300,000 for weath-”.

SA 91. Mrs. CLINTON submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Homeland Security Block Grant Act of 2003”.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

Sec. 4. Grants to States, units of general local government and Indian tribes; authorizations.

Sec. 5. Statement of activities and review.

Sec. 6. Activities eligible for assistance.

Sec. 7. Allocation and distribution of funds.

Sec. 8. State and regional planning communication systems.

Sec. 9. Nondiscrimination in programs and activities.

Sec. 10. Remedies for noncompliance with requirements.

Sec. 11. Reporting requirements.

Sec. 12. Consultation by Secretary.

Sec. 13. Interstate agreements or compacts; purposes.

Sec. 14. Matching requirements; suspension of requirements for economically distressed areas.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In the wake of the September 11, 2001, terrorist attacks on our country, communities all across American now find themselves on the front lines in the war against terrorism on United States soil.

(2) We recognize that these communities will be forced to shoulder a significant portion of the burden that goes along with that responsibility. We believe that local governments should not have to bear that responsibility alone.

(3) Our homeland defense will only be as strong as the weakest link at the State and local level. By providing our communities with the resources and tools they need to bolster emergency response efforts and provide for other emergency response initiatives, we will have a better-prepared home front and a stronger America.

SEC. 3. DEFINITIONS.

(a) DEFINITIONS.—In this Act:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Department of Homeland Security.

(2) CITY.—The term “city” means—

(A) any unit of general local government that is classified as a municipality by the United States Bureau of the Census; or

(B) any other unit of general local government that is a town or township and which, in the determination of the Secretary—

(i) possesses powers and performs functions comparable to those associated with municipalities;

(ii) is closely settled; and

(iii) contains within its boundaries no incorporated places as defined by the United States Bureau of the Census that have not entered into cooperation agreements with such town or township to undertake or to assist in the performance of homeland security objectives.

(3) FEDERAL GRANT-IN-AID PROGRAM.—The term “Federal grant-in-aid program” means a program of Federal financial assistance other than loans and other than the assistance provided by this Act.

(4) **INDIAN TRIBE.**—The term “Indian tribe” means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

(5) **METROPOLITAN AREA.**—The term “metropolitan area” means a standard metropolitan statistical area as established by the Office of Management and Budget.

(6) **METROPOLITAN CITY.**—

(A) **IN GENERAL.**—The term “metropolitan city” means—

(i) a city within a metropolitan area that is the central city of such area, as defined and used by the Office of Management and Budget; or

(ii) any other city, within a metropolitan area, which has a population of not less than 50,000.

(B) **PERIOD OF CLASSIFICATION.**—Any city that was classified as a metropolitan city for at least 2 years pursuant to subparagraph (A) shall remain classified as a metropolitan city. Any unit of general local government that becomes eligible to be classified as a metropolitan city, and was not classified as a metropolitan city in the immediately preceding fiscal year, may, upon submission of written notification to the Secretary, defer its classification as a metropolitan city for all purposes under this Act, if it elects to have its population included in an urban county under subsection (d).

(C) **ELECTION BY A CITY.**—Notwithstanding subparagraph (B), a city may elect not to retain its classification as a metropolitan city. Any unit of general local government that was classified as a metropolitan city in any year, may, upon submission of written notification to the Secretary, relinquish such classification for all purposes under this Act if it elects to have its population included with the population of a county for purposes of qualifying for assistance (for such following fiscal year) under section 5(e) as an urban county.

(7) **NONQUALIFYING COMMUNITY.**—The term “nonqualifying community” means an area that is not a metropolitan city or part of an urban county and does not include Indian tribes.

(8) **POPULATION.**—The term “population” means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period of time.

(9) **STATE.**—The term “State” means any State of the United States, or any instrumentality thereof approved by the Governor; and the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(10) **UNIT OF GENERAL LOCAL GOVERNMENT.**—The term “unit of general local government” means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; a combination of such political subdivisions is recognized by the Secretary; and the District of Columbia.

(11) **URBAN COUNTY.**—The term “urban county” means any county within a metropolitan area.

(b) **BASIS AND MODIFICATION OF DEFINITIONS.**—Where appropriate, the definitions in subsection (a) shall be based, with respect to any fiscal year, on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget available ninety days prior to the beginning of such fiscal year. The Secretary may by regu-

lation change or otherwise modify the meaning of the terms defined in subsection (a) in order to reflect any technical change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

(c) **DESIGNATION OF PUBLIC AGENCIES.**—One or more public agencies, including existing local public agencies, may be designated by the chief executive officer of a State or a unit of general local government to undertake activities assisted under this Act.

(d) **LOCAL GOVERNMENTS, INCLUSION IN URBAN COUNTY POPULATION.**—With respect to program years beginning with the program year for which grants are made available from amounts appropriated for fiscal year 2002 under section 4, the population of any unit of general local government which is included in that of an urban county as provided in subsection (a)(11) shall be included in the population of such urban county for three program years beginning with the program year in which its population was first so included and shall not otherwise be eligible for a grant as a separate entity, unless the urban county does not receive a grant for any year during such three-year period.

(e) **URBAN COUNTY.**—Any county seeking qualification as an urban county, including any urban county seeking to continue such qualification, shall notify, as provided in this subsection, each unit of general local government, which is included therein and is eligible to elect to have its population excluded from that of an urban county, of its opportunity to make such an election. Such notification shall, at a time and in a manner prescribed by the Secretary, be provided so as to provide a reasonable period for response prior to the period for which such qualification is sought. The population of any unit of general local government which is provided such notification and which does not inform, at a time and in a manner prescribed by the Secretary, the county of its election to exclude its population from that of the county shall, if the county qualifies as an urban county, be included in the population of such urban county as provided in subsection (d).

SEC. 4. GRANTS TO STATES, UNITS OF GENERAL LOCAL GOVERNMENT AND INDIAN TRIBES; AUTHORIZATIONS.

(a) **AUTHORIZATION.**—The Secretary is authorized to make grants to States, units of general local government, and Indian tribes to carry out activities in accordance with the provisions of this Act.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated \$3,000,000,000 for each of fiscal years 2003 through 2006, and such sums as may be necessary thereafter, for the purpose of carrying out the provisions under section 7.

(2) **STATE, REGIONAL, AND LOCAL PLANNING, TRAINING, AND COMMUNICATION SYSTEMS.**—There are authorized to be appropriated \$500,000,000 for each of fiscal years 2003 through 2006, and such sums as may be necessary thereafter, for the purpose of carrying out the provisions under section 8.

SEC. 5. STATEMENT OF ACTIVITIES AND REVIEW.

(a) **APPLICATION.**—

(1) **IN GENERAL.**—Prior to the receipt in any fiscal year of a grant under section 7(b) by any metropolitan city or urban county, section 7(i) by any State, or section 7(i)(3) by any unit of general local government, the grantee shall—

(i) indicate its interest in receiving funds by preparing a statement of homeland security objectives and projected use of funds; and

(ii) provide the Secretary with the certifications required under paragraph (2) and, where appropriate, subsection (b).

(2) **GRANTEE STATEMENT.**—

(A) **CONTENTS.**—

(i) **LOCAL GOVERNMENT.**—In the case of metropolitan cities or urban counties receiving grants under section 7(b) and units of general local government receiving grants under section 7(i)(3), the statement of projected use of funds shall consist of proposed homeland security activities.

(ii) **STATES.**—In the case of States receiving grants under section 7(d), the statement of projected use of funds shall consist of the method by which the States will distribute funds to units of general local government.

(B) **CONSULTATION.**—In preparing the statement, the grantee shall consult with appropriate law enforcement agencies and emergency response authorities.

(C) **FINAL STATEMENT.**—A copy of the final statement and the certifications required under paragraph (3) and, where appropriate, subsection (b) shall be furnished to the Secretary and the Attorney General.

(D) **MODIFICATIONS.**—Any final statement of activities may be modified or amended from time to time by the grantee in accordance with the same procedures required in this paragraph for the preparation and submission of such statement.

(3) **CERTIFICATION OF ENUMERATED CRITERIA BY GRANTEE TO SECRETARY.**—Any grant under section 7 shall be made only if the grantee certifies to the satisfaction of the Secretary that—

(A) it has developed a homeland security plan pursuant to section 6(a)(8) that identifies both short- and long-term homeland security needs that have been developed in accordance with the primary objective and requirements of this Act; and

(B) the grantee will comply with the other provisions of this Act and with other applicable laws.

(b) **SUBMISSION OF ANNUAL PERFORMANCE REPORTS, AUDITS AND ADJUSTMENTS.**—

(1) **IN GENERAL.**—Each grantee shall submit to the Secretary, at a time determined by the Secretary, a performance and evaluation report concerning the use of funds made available under section 7, together with an assessment by the grantee of the relationship of such use to the objectives identified in the grantee's statement under subsection (a)(2).

(2) **UNIFORM REPORTING REQUIREMENTS.**—

(A) **RECOMMENDATIONS BY NATIONAL ASSOCIATIONS.**—The Secretary shall encourage and assist national associations of grantees eligible under section 7, national associations of States, and national associations of units of general local government in nonqualifying areas to develop and recommend to the Secretary, within 1 year after the effective date of this Act, uniform record-keeping, performance reporting, evaluation reporting, and auditing requirements for such grantees, States, and units of general local government, respectively.

(B) **ESTABLISHMENT OF UNIFORM REPORTING REQUIREMENTS.**—Based on the Secretary's approval of the recommendations submitted pursuant to subparagraph (A), the Secretary shall establish uniform reporting requirements for grantees, States, and units of general local government.

(3) **REVIEWS AND AUDITS.**—The Secretary shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine—

(A) in the case of grants made under section 7(b), whether the grantee has carried out its activities and, where applicable, whether the grantee has carried out those activities and its certifications in accordance with the requirements and the primary

objectives of this Act and with other applicable laws, and whether the grantee has a continuing capacity to carry out those activities in a timely manner; and

(B) in the case of grants to States made under section 7(i), whether the State has distributed funds to units of general local government in a timely manner and in conformance to the method of distribution described in its statement, whether the State has carried out its certifications in compliance with the requirements of this Act and other applicable laws, and whether the State has made such reviews and audits of the units of general local government as may be necessary or appropriate to determine whether they have satisfied the applicable performance criteria described in subparagraph (A).

(4) **ADJUSTMENTS.**—The Secretary may make appropriate adjustments in the amount of the annual grants in accordance with the Secretary's findings under this subsection. With respect to assistance made available to units of general local government under section 7(i)(3), the Secretary may adjust, reduce, or withdraw such assistance, or take other action as appropriate in accordance with the Secretary's reviews and audits under this subsection, except that funds already expended on eligible activities under this Act shall not be recaptured or deducted from future assistance to such units of general local government.

(c) **AUDITS.**—Insofar as they relate to funds provided under this Act, the financial transactions of recipients of such funds may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

(d) **METROPOLITAN CITY AS PART OF URBAN COUNTRY.**—In any case in which a metropolitan city is located, in whole or in part, within an urban county, the Secretary may, upon the joint request of such city and county, approve the inclusion of the metropolitan city as part of the urban county for purposes of submitting a statement under section 5 and carrying out activities under this Act.

SEC. 6. ACTIVITIES ELIGIBLE FOR ASSISTANCE.

(a) **IN GENERAL.**—Activities assisted under this Act may include—

(1) funding additional law enforcement, fire, and emergency resources, including covering overtime expenses;

(2) purchasing and refurbishing personal protective equipment for fire, police, and emergency personnel and acquire state-of-the-art technology to improve communication and streamline efforts;

(3) improving cyber and infrastructure security by improving—

(A) security for water treatment plants, distribution systems, other water infrastructure, nuclear power plants, and other power infrastructure;

(B) security for tunnels and bridges;

(C) security for oil and gas pipelines and storage facilities; and

(D) security for chemical plants and transportation of hazardous substances;

(4) assisting Local Emergency Planning Committees so that local public agencies can design, review, and improve disaster response systems;

(5) assisting communities in coordinating their efforts and sharing information with all relevant agencies involved in responding to terrorist attacks;

(6) establishing timely notification systems that enable communities to commu-

nicate with each other when a threat emerges;

(7) improving communication systems to provide information to the public in a timely manner about the facts of any threat and the precautions the public should take; and

(8) devising a homeland security plan, including determining long-term goals and short-term objectives, evaluating the progress of the plan, and carrying out the management, coordination, and monitoring of activities necessary for effective planning implementation.

(b) **COSTS COVERED.**—Grants received under section 7 may be used to cover any costs related to the eligible activities listed in this section that were incurred on or after September 11, 2001.

SEC. 7. ALLOCATION AND DISTRIBUTION OF FUNDS.

(a) **SET-ASIDE FOR INDIAN TRIBES.**—

(1) **IN GENERAL.**—For each fiscal year, of the amount appropriated for grants pursuant to section 4(b)(1) (excluding the amounts provided for use in accordance with section 6), the Secretary shall reserve 1 percent of the amount so appropriated for grants to Indian tribes.

(2) **SELECTION OF INDIAN TRIBES.**—

(A) **IN GENERAL.**—The Secretary shall provide for distribution of amounts under this paragraph to Indian tribes on the basis of a competition conducted pursuant to specific criteria for the selection of Indian tribes to receive such amounts.

(B) **RULEMAKING.**—The criteria shall be contained in a regulation promulgated by the Secretary after notice and public comment.

(b) **ALLOCATION TO METROPOLITAN CITIES AND URBAN COUNTIES.**—

(1) **ALLOCATION PERCENTAGE.**—Of the amount remaining after allocations have been made to Indian tribes pursuant to subsection (a), 70 percent shall be allocated by the Secretary to metropolitan cities and urban counties.

(2) **ENTITLEMENT.**—Except as otherwise specifically authorized, each metropolitan city and urban county shall be entitled to an annual grant, to the extent authorized beyond fiscal year 2006, from such allocation in an amount not exceeding its basic amount computed pursuant to this subsections (c) and (d).

(c) **COMPUTATION OF AMOUNT ALLOCATED TO METROPOLITAN CITIES.**—

(1) **COMPUTATION RATIOS.**—The Secretary shall determine the amount to be allocated to each metropolitan city, which shall bear the same ratio to the allocation for all metropolitan cities as the weighted average of—

(A) the population of the metropolitan city divided by the population of all metropolitan cities;

(B) the potential risk, as it pertains to chemical security, of the metropolitan city divided by the potential risk, as it pertains to chemical security, of all metropolitan cities;

(C) the proximity of the metropolitan city to the nearest operating nuclear power plant and the proximity of all metropolitan cities to the nearest operating nuclear power plant to each such city;

(D) the proximity of the metropolitan city to the nearest United States land or water port and the proximity of all metropolitan cities to the nearest United States land or water port to each such city;

(E) the proximity of the metropolitan city to the nearest international border and the proximity of all metropolitan cities to the nearest international border to each such city; and

(F) the proximity of the metropolitan city to the nearest Disaster Medical Assistance Team (referred to in this subsection as

“DMAT”) and the proximity of all metropolitan cities to the nearest DMAT to each such city.

(2) **CLARIFICATION OF COMPUTATION RATIOS.**—

(A) **RELATIVE WEIGHT OF FACTORS.**—In determining the average of the ratios under paragraph (1), the ratio involving population shall constitute 50 percent of the formula in calculating the allocation and the remaining factors shall be equally weighted.

(B) **POTENTIAL RISK AS IT PERTAINS TO CHEMICAL SECURITY.**—If a metropolitan city is within the vulnerable zone of a worst-case chemical release, as specified in the most recent risk management plans filed with the Environmental Protection Agency or another instrument developed by the Environmental Protection Agency or the Homeland Security Department that captures the same information for the same facilities, the ratio under paragraph (1)(B) shall be 1 divided by the total number of metropolitan cities that are within such a zone.

(C) **PROXIMITY AS IT PERTAINS TO NUCLEAR SECURITY.**—If a metropolitan city is located within 50 miles of an operating nuclear power plant, as identified by the Nuclear Regulatory Commission, the ratio under paragraph (1)(C) shall be 1 divided by the total number of metropolitan cities, not to exceed 100, which are located within 50 miles of an operating nuclear power plant.

(D) **PROXIMITY AS IT PERTAINS TO PORT SECURITY.**—If a metropolitan city is located within 50 miles of 1 of the 100 largest United States ports, as stated by the Department of Transportation, Bureau of Transportation Statistics, United States Port Report by All Land Modes, or within 50 miles of one of the 30 largest United States water ports by metric tons and value, as stated by the Department of Transportation, Maritime Administration, United States Foreign Waterborne Transportation Statistics, the ratio under paragraph (1)(D) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of a United States land or water port.

(E) **PROXIMITY TO INTERNATIONAL BORDERS.**—If a metropolitan city is located within 50 miles of an international border, the ratio under paragraph (1)(E) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of an international border.

(F) **PROXIMITY TO DISASTER MEDICAL ASSISTANCE TEAMS.**—If a metropolitan city is located within 50 miles of a DMAT, as organized by the National Disaster Medical System through the Department of Public Health, the ratio under paragraph (1)(F) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of a DMAT.

(d) **COMPUTATION OF AMOUNT ALLOCATED TO URBAN COUNTIES.**—

(1) **COMPUTATION RATIOS.**—The Secretary shall determine the amount to be allocated to each urban county, which shall bear the same ratio to the allocation for all urban counties as the weighted average of—

(A) the population of the urban county divided by the population of all urban counties;

(B) the potential risk, as it pertains to chemical security, of the urban county divided by the potential risk, as it pertains to chemical security, of all urban counties;

(C) the proximity of the urban county to the nearest operating nuclear power plant and the proximity of all urban counties to the nearest operating nuclear power plant to each such city;

(D) the proximity of the urban county to the nearest United States land or water port and the proximity of all urban counties to

the nearest United States land or water port to each such city;

(E) the proximity of the urban county to the nearest international border and the proximity of all urban counties to the nearest international border to each such city; and

(F) the proximity of the urban county to the nearest Disaster Medical Assistance Team (referred to in this subsection as "DMAT") and the proximity of all urban counties to the nearest DMAT to each such city.

(3) CLARIFICATION OF COMPUTATION RATIOS.—

(A) RELATIVE WEIGHT OF FACTORS.—In determining the average of the ratios under paragraph (1), the ratio involving population shall constitute 50 percent of the formula in calculating the allocation and the remaining factors shall be equally weighted.

(B) POTENTIAL RISK AS IT PERTAINS TO CHEMICAL SECURITY.—If a urban county is within the vulnerable zone of a worst-case chemical release, as specified in the most recent risk management plans filed with the Environmental Protection Agency or another instrument developed by the Environmental Protection Agency or the Homeland Security Department that captures the same information for the same facilities, the ratio under paragraph (1)(B) shall be 1 divided by the total number of urban counties that are within such a zone.

(C) PROXIMITY AS IT PERTAINS TO NUCLEAR SECURITY.—If a urban county is located within 50 miles of an operating nuclear power plant, as identified by the Nuclear Regulatory Commission, the ratio under paragraph (1)(C) shall be 1 divided by the total number of urban counties, not to exceed 100, which are located within 50 miles of an operating nuclear power plant.

(D) PROXIMITY AS IT PERTAINS TO PORT SECURITY.—If a urban county is located within 50 miles of 1 of the 100 largest United States ports, as stated by the Department of Transportation, Bureau of Transportation Statistics, United States Port Report by All Land Modes, or within 50 miles of one of the 30 largest United States water ports by metric tons and value, as stated by the Department of Transportation, Maritime Administration, United States Foreign Waterborne Transportation Statistics, the ratio under paragraph (1)(D) shall be 1 divided by the total number of urban counties that are located within 50 miles of a United States land or water port.

(E) PROXIMITY TO INTERNATIONAL BORDERS.—If a urban county is located within 50 miles of an international border, the ratio under paragraph (1)(E) shall be 1 divided by the total number of urban counties that are located within 50 miles of an international border.

(F) PROXIMITY TO DISASTER MEDICAL ASSISTANCE TEAMS.—If a urban county is located within 50 miles of a DMAT, as organized by the National Disaster Medical System through the Department of Public Health, the ratio under paragraph (1)(F) shall be 1 divided by the total number of urban counties that are located within 50 miles of a DMAT.

(e) EXCLUSIONS.—

(1) IN GENERAL.—In computing amounts or exclusions under subsection (d) with respect to any urban county, there shall be excluded units of general local government located in the county the populations that are not counted in determining the eligibility of the urban county to receive a grant under this subsection, except that there shall be included any independent city (as defined by the Bureau of the Census) which—

(A) is not part of any county;

(B) is not eligible for a grant;

(C) is contiguous to the urban county;

(D) has entered into cooperation agreements with the urban county which provide that the urban county is to undertake or to assist in the undertaking of essential community development and housing assistance activities with respect to such independent city; and

(E) is not included as a part of any other unit of general local government for purposes of this section.

(2) INDEPENDENT CITIES.—Any independent city that is included in any fiscal year for purposes of computing amounts pursuant to the preceding sentence shall not be eligible to receive assistance under subsection (i) with respect to such fiscal year.

(f) INCLUSIONS.—

(1) LOCAL GOVERNMENT STRADDLING COUNTY LINE.—In computing amounts under subsection (d) with respect to any urban county, there shall be included all of the area of any unit of local government which is part of, but is not located entirely within the boundaries of, such urban county if—

(A) the part of such unit of local government that is within the boundaries of such urban county would otherwise be included in computing the amount for such urban county under this section; and

(B) the part of such unit of local government that is not within the boundaries of such urban county is not included as a part of any other unit of local government for the purpose of this section.

(2) USE OF GRANT FUNDS OUTSIDE URBAN COUNTY.—Any amount received under this section by an urban county described under paragraph (1) may be used with respect to the part of such unit of local government that is outside the boundaries of such urban county.

(g) POPULATION.—

(1) EFFECT OF CONSOLIDATION.—Where data are available, the amount to be allocated to a metropolitan city that has been formed by the consolidation of 1 or more metropolitan cities within an urban county shall be equal to the sum of the amounts that would have been allocated to the urban county or cities and the balance of the consolidated government, if such consolidation had not occurred.

(2) LIMITATION.—Paragraph (1) shall apply only to a consolidation that—

(A) included all metropolitan cities that received grants under this section for the fiscal year preceding such consolidation and that were located within the urban county;

(B) included the entire urban county that received a grant under this section for the fiscal year preceding such consolidation; and

(C) took place on or after January 1, 2003.

(3) GROWTH RATE.—The population growth rate of all metropolitan cities defined in section 3(a)(6) shall be based on the population of—

(A) metropolitan cities other than consolidated governments the grant for which is determined under this paragraph; and

(B) cities that were metropolitan cities before their incorporation into consolidated governments.

(4) ENTITLEMENT SHARE.—For purposes of calculating the entitlement share for the balance of the consolidated government under this subsection, the entire balance shall be considered to have been an urban county.

(h) REALLOCATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), any amounts allocated to a metropolitan city or an urban county pursuant to this section that are not received by the city or county for a fiscal year because of failure to meet the requirements of subsections (a) and (b) of section 5, or that otherwise became available, shall be reallocated in the succeeding fiscal year to the other metropolitan cities and urban counties in

the same metropolitan area that certify to the satisfaction of the Secretary that they would be adversely affected by the loss of such amounts from the metropolitan area.

(2) RATIO.—The amount of the share of funds reallocated under this paragraph for any metropolitan city or urban county shall bear the same ratio to the total of such reallocated funds in the metropolitan area as the amount of funds awarded to the city or county for the fiscal year in which the reallocated funds become available bears to the total amount of funds awarded to all metropolitan cities and urban counties in the same metropolitan area for that fiscal year.

(3) TRANSFER.—Notwithstanding paragraphs (1) and (2), the Secretary may upon request transfer responsibility to any metropolitan city for the administration of any amounts received, but not obligated, by the urban county in which such city is located if—

(A) such city was an included unit of general local government in such county prior to the qualification of such city as a metropolitan city;

(B) such amounts were designated and received by such county for use in such city prior to the qualification of such city as a metropolitan city; and

(C) such city and county agree to such transfer of responsibility for the administration of such amounts.

(i) ALLOCATION TO STATES ON BEHALF OF NON-QUALIFYING COMMUNITIES.—

(1) IN GENERAL.—Of the amount appropriated pursuant to section 4 that remains after allocations pursuant to subsections (a) and (b), 30 percent shall be allocated among the States for use in nonqualifying communities.

(2) ALLOCATION RATIO.—

(A) POPULATION-BASED.—The allocation for each State shall be based on the population of that State, relative to the populations of all States, excluding the population of qualifying communities.

(B) PRO-RATA REDUCTION.—The Secretary shall make a pro rata reduction of each amount allocated to the nonqualifying communities in each State under subparagraph (A) so that the nonqualifying communities in each State will receive the same percentage of the total amount available under this subsection as the percentage that such communities would have received if the total amount available had equaled the total amount allocated under subparagraph (A).

(3) DISTRIBUTION.—

(A) IN GENERAL.—Amounts allocated under this subsection shall be distributed to units of general local government located in nonqualifying areas of the State to carry out activities in accordance with the provisions of this Act—

(i) by a State that has elected, in such manner and at such time as the Secretary shall prescribe, to distribute such amounts consistent with the statement submitted under section 5(a); or

(ii) by the Secretary, if the State has not elected to distribute such amounts.

(B) CERTIFICATION.—Before a State may receive or distribute amounts allocated under this subsection, the State must certify that—

(i) with respect to units of general local government in nonqualifying areas, the State—

(I) provides, or will provide, technical assistance to units of general local government in connection with homeland security initiatives;

(II) will not refuse to distribute such amounts to any unit of general local government on the basis of the particular eligible activity selected by such unit of general

local government to meet its homeland security objectives, except that this clause may not be considered to prevent a State from establishing priorities in distributing such amounts on the basis of the activities selected; and

(III) has consulted with local elected officials from among units of general local government located in nonqualifying areas of that State in determining the method of distribution of funds required by subparagraph (A); and

(ii) each unit of general local government to be distributed funds will be required to identify its homeland security objectives, and the activities to be undertaken to meet such objectives.

(4) **MINIMUM AMOUNT.**—Each State shall be allocated in each fiscal year authorized under this Act and under this section not less than 0.75 percent of the total amount appropriated in one fiscal year for grants made available to States under this section, except that the American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

(5) **ADMINISTRATION.**—

(A) **IN GENERAL.**—If a State receives and distributes amounts under paragraph (1), the State shall be responsible for the administration of funds so distributed. The State shall pay for all administrative expenses incurred by the State in carrying out its responsibilities under this Act, except that from the amounts received for distribution in nonqualifying areas, the State may deduct an amount to cover such expenses and its administrative expenses not to exceed the sum of \$150,000 plus 50 percent of any such expenses under this Act in excess of \$150,000. Amounts deducted in excess of \$150,000 shall not exceed 2 percent of the amount received under paragraph (1).

(B) **DISTRIBUTION.**—If the Secretary distributes amounts under paragraph (1), the distribution shall be made in accordance with determinations of the Secretary pursuant to statements submitted and the other requirements of section 5 (other than subsection (c)) and in accordance with regulations and procedures prescribed by the Secretary.

(C) **REALLOCATION.**—

(i) **FAILURE TO COMPLY.**—Any amounts allocated for use in a State under paragraph (1) that are not received by the State for any fiscal year because of failure to meet the requirements of subsection (a) or (b) of section 5 shall be added to amounts allocated to all States under paragraph (1) for the succeeding fiscal year.

(ii) **CLOSEOUT.**—Any amounts allocated for use in a State under paragraph (1) that become available as a result of the closeout of a grant made by the Secretary under this section in nonqualifying areas of the State shall be added to amounts allocated to the State under paragraph (1) for the fiscal year in which such amounts become available.

(6) **SINGLE UNIT.**—Any combination of units of general local governments may not be required to obtain recognition by the Secretary pursuant to section 3(2) to be treated as a single unit of general local government for purposes of this subsection.

(7) **DEDUCTION.**—From the amounts received under paragraph (1) for distribution in nonqualifying areas, the State may deduct an amount, not to exceed 1 percent of the amount so received, to provide technical assistance to local governments.

(8) **APPLICABILITY.**—Any activities conducted with amounts received by a unit of general local government under this subsection shall be subject to the applicable provisions of this Act and other Federal law in the same manner and to the same extent as activities conducted with amounts re-

ceived by a unit of general local government under subsection (a).

(j) **QUALIFICATIONS AND DETERMINATIONS.**—The Secretary may fix such qualification or submission dates as he determines are necessary to permit the computations and determinations required by this section to be made in a timely manner, and all such computations and determinations shall be final and conclusive.

(k) **PRO RATA REDUCTION AND INCREASE.**—

(1) **REDUCTION.**—If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section is insufficient to provide the amounts to which metropolitan cities and urban counties would be entitled under this section, and funds are not otherwise appropriated to meet the deficiency, the Secretary shall meet the deficiency through a pro rata reduction of all amounts determined under this section.

(2) **INCREASE.**—If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section exceeds the amounts to which metropolitan cities and urban counties would be entitled under this section, the Secretary shall distribute the excess through a pro rata increase of all amounts determined under this section.

SEC. 8. STATE AND REGIONAL PLANNING; COMMUNICATIONS SYSTEMS.

(a) **ALLOCATIONS.**—Subject to appropriations authorized under section 4(b)(2), \$500,000,000 shall be allocated to States, regional cooperations, and local communities, in accordance with subsection (b) for—

(1) homeland defense planning within the States;

(2) homeland defense planning within the regions;

(3) the development and maintenance of Statewide training facilities and homeland security best-practices clearinghouses; and

(4) the development and maintenance of communications systems that can be used between and among first responders, including law enforcement, fire, and emergency medical personnel.

(b) **USE OF FUNDS.**—Of the amount allocated under subsection (a)—

(1) \$325,000,000 shall be used by the States for homeland defense planning and coordination within each State;

(2) \$50,000,000 shall be used by regional cooperations and regional, multistate, or intrastate authorities for homeland defense planning and coordination within each region;

(3) \$50,000,000 shall be used by the States to develop and maintain Statewide training facilities and best-practices clearinghouses; and

(4) \$75,000,000 shall be used by the States and local communities to develop and maintain communications systems that can be used between and among first responders at the State and local level, including law enforcement, fire, and emergency personnel.

(c) **ALLOCATIONS TO STATES.**—

(1) **IN GENERAL.**—Funds under this section to be awarded to States shall be allocated among the States based upon the population for each State relative to the populations of all States.

(2) **MINIMUM AMOUNT PROVISION.**—The provision in section 7(i)(4) relating to a minimum amount shall apply to funds awarded under this section to States.

(3) **LOCAL COMMUNICATIONS SYSTEMS.**—Not less than 30 percent of the funds awarded under subsection (b)(4) shall be used for the development and maintenance of local communications systems.

(d) **ALLOCATIONS TO REGIONAL COOPERATIONS.**—Funds under this section to be awarded to regional cooperations and regional, multistate, or intrastate authorities,

shall be allocated among the regional cooperations based upon the population of the areas covered by the cooperations.

SEC. 9. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES.

No person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to any such program or activity.

SEC. 10. REMEDIES FOR NONCOMPLIANCE WITH REQUIREMENTS.

If the Secretary finds after reasonable notice and opportunity for hearing that a recipient of assistance under this Act has failed to comply substantially with any provision of this Act, the Secretary shall—

(1) terminate payments to the recipient under this Act;

(2) reduce payments to the recipient under this Act by an amount equal to the amount of such payments which were not expended in accordance with this Act; or

(3) limit the availability of payments under this Act to programs, projects, or activities not affected by such failure to comply.

SEC. 11. REPORTING REQUIREMENTS.

(a) **IN GENERAL.**—Not later than 180 days after the end of each fiscal year in which assistance is awarded under this Act, the Secretary shall submit to Congress a report which shall contain—

(1) a description of the progress made in accomplishing the objectives of this Act;

(2) a summary of the use of such funds during the preceding fiscal year; and

(3) a description of the activities carried out under section 7.

(b) **REPORTS TO SECRETARY.**—The Secretary is authorized to require recipients of assistance under this Act to submit to such reports and other information as may be necessary in order for the Secretary to comply with subsection (a).

SEC. 12. CONSULTATION BY ATTORNEY GENERAL.

In carrying out the provisions of this Act including the issuance of regulations, the Secretary shall consult with the Attorney General and other Federal departments and agencies administering Federal grant-in-aid programs.

SEC. 13. INTERSTATE AGREEMENTS OR COMPACTS; PURPOSES.

The consent of the Congress is hereby given to any 2 or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in support of homeland security planning and programs carried out under this Act as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreements and compacts effective.

SEC. 14. MATCHING REQUIREMENTS; SUSPENSION OF REQUIREMENTS FOR ECONOMICALLY DISTRESSED AREAS.

(a) **REQUIREMENT.**—Grant recipients shall contribute from funds, other than those received under this Act, 10 percent of the total funds received under this Act. Such funds shall be used in accordance with the grantee's statement of homeland security objectives.

(b) **ECONOMIC DISTRESS.**—Grant recipients that are deemed economically distressed

shall be waived from the matching requirement set forth in this section.

SA 92. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 772, strike lines 10 through 23.

SA 93. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1037, line 8, insert “(a) FRUITS AND VEGETABLES.—” before “The”.

On page 1037, between lines 12 and 13, insert the following:

(b) AVOCADO AND CITRUS PRODUCERS.—

(1) IN GENERAL.—The Secretary shall use \$80,000,000 of funds of the Commodity Credit Corporation to make payments, as soon as practicable after the date of enactment of this Act, to avocado and citrus producers that suffered economic losses, including quality losses, as the result of the imposition of quarantines to prevent the introduction of fruit flies from Mexico into the State of California during the 2002 or 2003 crop year, or both.

(2) AMOUNT.—The amount of payments for which producers are eligible to receive payments under this subsection shall be based on the value of avocados and citrus, as determined by the Secretary.

(3) LIMITATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall not establish a payment limitation, or income eligibility limitation, with respect to payments made under this subsection.

(B) PAYMENT QUANTITIES.—The Secretary may establish a limitation on the maximum quantity of avocados or citrus for which a producer may receive payments under this subsection.

(4) OTHER FEDERAL ASSISTANCE.—A producer shall be ineligible for a payment under this subsection to the extent that the producer received compensation or assistance for the loss under any other Federal program, other than the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

SA 94. Mr. BREAU (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . MORGANZA, LOUISIANA, TO THE GULF OF MEXICO, MISSISSIPPI RIVER AND TRIBUTARIES.

The project for hurricane and storm damage reduction, Morganza, Louisiana, to the Gulf of Mexico, Mississippi River and Tributaries, is authorized to be carried out by the Secretary of the Army substantially in accordance with the plans, and subject to the conditions, described in the Report of the Chief of Engineers dated August 23, 2002, at a total cost of \$680,000,000, with an estimated Federal cost of \$442,000,000 and an estimated non-Federal cost of \$238,000,000.

SA 95. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 313, line 14, strike the period and insert a colon and the following: “Provided, That, of the funds made available pursuant to this section, not less than \$6,000,000 shall be made available for the United States Agency for International Development to use in support of programs that—

“(1) promote the inclusion of a significant number of women in future legislative bodies to ensure that women’s full range of human rights are included and upheld in any constitution or legal structures of Afghanistan;

“(2) promote the continuation and strengthening of the Ministry for Women’s Affairs as the Government of Afghanistan makes the transition to a long-term government structure, and encourage the appointment of women to high-level positions within the ministries of the Government of Afghanistan;

“(3) ensure that a significant portion of United States development, humanitarian, and relief assistance is channeled to local and United States-based Afghan women’s organizations;

“(4) provide technical assistance, training, and capacity-building for local women-based organizations to ensure that United States funded efforts will be both effective and sustainable;

“(5) promote multiyear women-centered economic development programs, including programs to assist widows, female heads of household, women in rural areas, and disabled women;

“(6) increase women’s access to or ownership of productive assets such as land, water, agricultural inputs, credit, and property;

“(7) provide long-term financial assistance for primary, secondary, higher, nontraditional, and vocational education for Afghan girls, women, boys, and men;

“(8) provide financial assistance to build the health infrastructure and to deliver high-quality comprehensive health care programs, including primary, maternal, child, reproductive, and mental health care; and

“(9) provide, in close consultation with women’s organizations in Afghanistan, training for the military and police forces on the protection, rights, and the particular needs of women, and emphasize that violations of women’s rights are intolerable and should be prosecuted;

“Provided further, That one year after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit a report to Congress that contains—

“(A) a detailed description of programs funded by the United States Agency for International Development that are carried out under the preceding proviso;

“(B) other programs of the United States Agency for International Development that directly or indirectly benefit women; and

“(C) barriers that remain for women in Afghanistan, specifically in the protection of basic human rights, education, reproductive health, legal rights, political participation, and economic opportunity, and what types of foreign assistance is necessary to ensure that these barriers might be eliminated.”.

SA 96. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropri-

tions for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 852, between lines 4 and 5, insert the following:

SEC. 4 ____ . DESIGNATION OF NATHANIEL R. JONES FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

(a) IN GENERAL.—The Federal building and United States courthouse located at 10 East Commerce Street in Youngstown, Ohio, shall be known and designated as the “Nathaniel R. Jones Federal Building and United States Courthouse”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the Nathaniel R. Jones Federal Building and United States Courthouse.

SA 97. Mr. NELSON of Florida (for himself and Mr. DASCHLE, Mr. LEAHY, Mr. DURBIN, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . In addition to amounts appropriated by this Act under the heading “Public Law 480 Title II Grants”, there is appropriated, out of funds in the Treasury not otherwise appropriated, \$600,000,000 for assistance for emergency relief activities: *Provided*, That the amount appropriated under this section shall remain available through September 30, 2004: *Provided further*, That the entire amount appropriated under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 98. Mr. MCCONNELL (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 366, line 26, strike “this heading” and insert in lieu thereof: the heading “Economic Support Fund”

SA 99. Mr. MCCONNELL (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 366, strike everything after “the” on line 3, through “Agency” on line 4 and insert in lieu thereof:

headings “Trade and Development Agency”, “International Military Education and Training”, “Foreign Military Financing Program”, “Migration and Refugee Assistance”, and “Nonproliferation, Anti-Terrorism, Demining and Related Programs”

SA 100. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 107, line 5, insert “of which \$10,000,000 will be provided for the continuance of methamphetamine reduction efforts” before the semicolon.

SA 101. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, between lines 8 and 9, insert the following:

SEC. ____ . ARMED FORCES MEMORIAL.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map referred to in section 8902(a)(3) of title 40, United States Code.

(2) MEMORIAL.—The term “memorial” means the memorial authorized to be established under subsection (b)(1).

(b) AUTHORITY TO ESTABLISH MEMORIAL.—

(1) IN GENERAL.—The Pyramid of Remembrance Foundation may establish a memorial on Federal land in the area depicted on the map as “Area II” to honor members of the Armed Forces of the United States who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations.

(2) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.

(B) EXCEPTION.—Subsections (b) and (c) of section 8903 of title 40, United States Code, shall not apply to the establishment of the memorial.

(c) FUNDS FOR MEMORIAL.—

(1) USE OF FEDERAL FUNDS PROHIBITED.—Except as provided by chapter 89 of title 40, United States Code, no Federal funds may be used to pay any expense incurred from the establishment of the memorial.

(2) DEPOSIT OF EXCESS FUNDS.—The Pyramid of Remembrance Foundation shall transmit to the Secretary of the Treasury for deposit in the account provided for in section 8906(b)(1) of title 40, United States Code—

(A) any funds that remain after payment of all expenses incurred from the establishment of the memorial (including payment of the amount for maintenance and preservation required under section 8906(b) of title 40, United States Code); or

(B) any funds that remain on expiration of the authority for the memorial under section 8903(e) of title 40, United States Code.

SA 102. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 3 and 4, insert the following:

SEC. 7 ____ . VALUE-ADDED PROJECTS FOR AGRICULTURAL DIVERSIFICATION.

Of the amount of funds that are made available to producers in the State of Vermont under section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524) for fiscal year 2003, the Secretary of Agriculture shall make a grant of \$200,000 to the Northeast Center for Food Entrepreneurship at the University of Vermont to support value-added projects that contribute to agricultural diversification in the State, to remain available until expended.

SA 103. Mr. LEAHY (for himself, Mr. HARKIN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1037, line 2, strike “\$250,000,000” and insert “\$552,000,000”.

SA 104. Mr. LEAHY (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

In the division relating to agriculture—

(1) in the matter under the heading “CHILD NUTRITION PROGRAMS (INCLUDING TRANSFERS OF FUNDS)” under the heading “FOOD AND NUTRITION SERVICE” in title IV—

(A) strike “\$5,834,506,000” and insert “\$6,386,506,000”; and

(B) strike “\$4,745,663,000” and insert “\$4,193,663,000”; and

(2) strike section 205.

SA 105. Ms. LANDRIEU submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ESTABLISHMENT OF SPECIAL COMMITTEE ON THE ORGANIZATION OF THE SENATE.

(a) ESTABLISHMENT.—There is established a special committee of the Senate, to be known as the Special Committee on the Organization of the Senate (in this section referred to as the “Special Committee”).

(b) PURPOSES.—The purposes of the Special Committee are—

(1) to assist the Senate in addressing its organizational structure in light of reorganization efforts in the Executive Branch and the House of Representatives; and

(2) to report to the Senate a set of recommendations as to necessary changes in the committee structure of the Senate.

(c) COMPOSITION.—

(1) IN GENERAL.—The Special Committee shall be composed of—

(A) the Majority Leader and the Minority Leader;

(B) 5 members of the Senate appointed by the Majority Leader; and

(C) 5 members of the Senate appointed by the Minority Leader.

(2) COCHAIRMEN.—The Majority and Minority Leaders of the Senate shall each designate 1 member of the Special Committee as cochairman.

(d) POWERS.—

(1) IN GENERAL.—For the purposes of this resolution, the Special Committee is authorized—

(A) to make investigations into any matter within its general purposes;

(B) to make expenditures from the contingent fund of the Senate;

(C) to employ personnel;

(D) to hold hearings;

(E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(F) to procure the service of individual consultants or organizations thereof, in ac-

cordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946;

(G) to publish and report the findings of the Special Committee; and

(H) to take depositions and other testimony.

(2) ADMINISTRATION OF OATHS.—A cochairman of the Special Committee or any member thereof may administer oaths to witnesses.

(e) REPORTS.—

(1) TO THE SENATE.—Not later than 1 year after the date of enactment of this section, the Special Committee shall issue a final report of recommendations to the full Senate.

(2) PRELIMINARY REPORTS.—The Special Committee may issue such preliminary reports and recommendations as the cochairmen deem appropriate.

SA 106. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . FUNDING FOR CITIZENSHIP AND IMMIGRATION SERVICES.

(a) AMENDMENT TO THE HOMELAND SECURITY ACT.—Section 457 of the Homeland Security Act of 2002 (Public Law 107-296) is amended to read as follows:

“SEC. 457. FUNDING FOR CITIZENSHIP AND IMMIGRATION SERVICES.

“(a) AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.—Section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) is amended by striking ‘services, including the costs of similar services provided without charge to asylum applicants or other immigrants’ and inserting ‘services’.

“(b) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the Attorney General or the Secretary, as may be appropriate, such funds as may be necessary to compensate for the loss of any funds for adjudication services by reason of the operation of the amendment made by subsection (a), including funds necessary—

“(A) to carry out the provisions of sections 207 through 209 of the Immigration and Nationality Act (8 U.S.C. 1157-59); and

“(B) to provide fee waivers or exemptions to applicants and petitioners.

“(2) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

“(c) STATUTORY CONSTRUCTION.—Nothing in section 286(m) of the Immigration and Nationality Act, as amended by subsection (a), or any other provision of law, shall be construed to require the reduction of any fee, or the foregoing of any increase in any fee, for adjudication services that is otherwise authorized under such section 286(m) or any other provision of law, until the date that is 90 days after the date on which funds are specifically appropriated and made available under subsection (b) in an amount equal to the amount of such proposed reduction or foregone increase for any fiscal year.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall be effective as if it were included in the enactment of the Homeland Security Act of 2002 (Public Law 107-296).

SA 107. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for

other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

SEC. ____ . RESTORATION OF PROVISION REGARDING FEES TO COVER THE FULL COSTS OF ALL ADJUDICATION SERVICES.

The Homeland Security Act of 2002 is amended by striking section 457, including the amendment made by such section.

SA 108. Ms. CANTWELL (for herself and Mr. NELSON) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 549, between lines 14 and 15, insert the following:

In addition to any amounts otherwise appropriated under this Act for title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), \$678,551,000 is appropriated to carry out that Act, of which—

(1) \$156,965,000 (which is available for obligation for the period April 1, 2003 through June 30, 2004) shall be for making allotments and grants in accordance with subparagraphs (B) and (C) of section 127(b)(1) of that Act (29 U.S.C. 2852(b)(1)) (relating to youth activities);

(2) \$76,000,000 (which is available for obligation for the period July 1, 2003 through June 30, 2004) shall be for making allotments and grants in accordance with section 132(b)(1) of that Act (29 U.S.C. 2862(b)(1)) (relating to employment and training activities for adults);

(3) \$206,096,000 (which is available for obligation for the period July 1, 2003 through June 30, 2004) shall be for making allotments and grants in accordance with section 132(b)(2) of that Act (29 U.S.C. 2862(b)(2)) (relating to employment and training activities for dislocated workers);

(4) \$181,890,000 (which is available for obligation for the period April 1, 2003 through June 30, 2004) shall be for use under section 169 of that Act (29 U.S.C. 2914) (relating to youth opportunity grants); and

(5) \$57,600,000 (which is available for obligation for the period July 1, 2003 through June 30, 2006) shall be for carrying out subtitle C of title I of that Act (29 U.S.C. 2881 et seq.) (relating to the Job Corps).

Notwithstanding any other provision of this Act, funds provided under the preceding sentence shall not result in a further across-the-board rescission under section 601 of division N.

SA 109. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, between lines 8 and 9, insert the following:

SEC. ____ . IMPERIAL PROJECT.

Notwithstanding any other provision of law, none of the funds provided by this Act or any other Act for any fiscal year may be used by the Secretary of the Interior to approve the plan of operations submitted by the Glamis Imperial Corporation for the Imperial project, an open-pit gold mine located on public land administered by the Bureau of Land Management in Imperial County, California.

SA 110. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amend-

ment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, between lines 8 and 9, insert the following:

SEC. ____ . SENSE OF THE SENATE REGARDING SOUTHERN CALIFORNIA OFFSHORE OIL LEASES.

(a) FINDINGS.—Congress finds that—

(1) there are 36 undeveloped oil leases on land in the southern California planning area of the outer Continental Shelf that—

(A) have been under review by the Secretary of the Interior for an extended period of time, including some leases that have been under review for over 30 years; and

(B) have not been approved for development under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(2) the oil companies that hold the 36 leases—

(A) have expressed an interest in retiring the leases in exchange for equitable compensation; and

(B) are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases; and

(3) it would be a waste of the taxpayer's money to continue the process for approval or permitting of the 36 leases while the Secretary of the Interior and the lessees are negotiating to retire the leases.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that no funds made available by this Act or any other Act for any fiscal year should be used by the Secretary of the Interior to approve any exploration, development, or production plan for, or application for a permit to drill on, the 36 undeveloped leases in the southern California planning area of the outer Continental Shelf during any period in which the lessees are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases.

SA 111. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the division making appropriations for the Department of Agriculture, insert the following:

SEC. ____ . ASSISTANCE TO AGRICULTURAL PRODUCERS THAT HAVE USED WATER FOR IRRIGATION FROM RIO GRANDE RIVER.

(a) IN GENERAL.—The Secretary of Agriculture shall use \$10,000,000 of the funds of the Commodity Credit Corporation to make a grant to the State of Texas, acting through the Texas Department of Agriculture, to provide assistance to agricultural producers in the State of Texas with farming operations along the Rio Grande River that have suffered economic losses during the 2002 crop year due to the failure of Mexico to deliver water to the United States in accordance with the Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, and Supplementary Protocol signed November 14, 1944, signed at Washington on February 3, 1944 (59 Stat. 1219; TS 944).

(b) AMOUNT.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of actual losses described in subsection (a) that were incurred by the producers.

SA 112. Mr. BUNNING (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the general provisions relating to the Department of Health and Human Services, insert the following:

SEC. ____ . GRANTS FOR PURCHASE OF ULTRASOUND EQUIPMENT.

(a) IN GENERAL.—The Secretary of Health and Human Services may make grants for the purchase of ultrasound equipment. Such ultrasound equipment shall be used by the recipients of such grants to provide, under the direction and supervision of a licensed physician, free ultrasound examinations to pregnant woman needing medical services.

(b) ELIGIBILITY REQUIREMENTS.—An entity may receive a grant under subsection (a) only if the entity meets the following conditions:

(1) NONPROFIT, TAX EXEMPT ORGANIZATION.—The entity is a nonprofit private organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from tax under section 501(a) of such Code.

(2) CLINIC.—The entity operates as a community-based pregnancy help medical clinic.

(3) QUALIFIED ENTITY.—The entity is legally qualified to provide medical services to pregnant women and is in compliance with all Federal, State, and local requirements for the provision of such services.

(4) PROCEDURES.—The entity agrees to comply with the following medical procedures:

(A) IMAGE AND DESCRIPTION.—Each pregnant woman upon whom the ultrasound equipment is used will be shown the visual image of the embryo or fetus involved from the ultrasound examination and will be given a general anatomical and physiological description of the characteristics of the embryo or fetus.

(B) AGE.—Each pregnant woman will be given, according to the best medical judgment of the physician or physician's agent performing the ultrasound examination, the approximate age of the embryo or fetus considering the number of weeks elapsed from the probable time of the conception of the embryo or fetus, based upon the information provided by the woman as to the time of her last menstrual period, her medical history, a physical examination, or appropriate laboratory tests.

(C) INFORMATION ON OPTIONS.—Each pregnant woman will be given information on abortion and alternatives to abortion such as childbirth and adoption and information concerning public and private agencies that will assist women choosing those alternatives.

(D) INSURANCE.—The entity will obtain and maintain medical malpractice insurance in an amount not less than \$1,000,000, and such insurance will cover all activities relating to the use of the ultrasound machine purchased with the grant under subsection (a).

(5) MULTIPLE REVENUE SOURCES.—The entity does not receive more than 30 percent of its gross annual revenue from a single source or donor.

(c) LIMITATION ON INDIVIDUAL GRANT AMOUNT.—No grant made under subsection (a) may be made in an amount that exceeds the lesser of—

(1) an amount equal to 50 percent of the purchase price cost of the ultrasound machine involved; or

(2) \$20,000.

(d) APPLICATION FOR GRANT.—To be eligible to receive a grant under subsection (a), an

entity shall submit an application to the Secretary in such form, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

(e) **ANNUAL REPORT TO SECRETARY.**—The Secretary may make a grant under subsection (a) only if the applicant for the grant agrees to report on an annual basis to the Secretary, in such form and manner as the Secretary may require, on the ongoing compliance of the applicant with the eligibility conditions established in subsection (b).

(f) **DEFINITIONS.**—In this section:

(1) **COMMUNITY-BASED PREGNANCY HELP MEDICAL CLINIC.**—The term “community-based pregnancy help medical clinic” means an entity that—

(A) provides free medical services to pregnant women under the direction and supervision of a licensed physician who serves as the medical director for such clinic; and

(B) does not charge for any services rendered to its clients, whether or not such services are for pregnancy-related matters.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

(g) **APPROPRIATIONS AND OFFSET.**—

(1) **APPROPRIATIONS.**—There is appropriated to carry out this section \$5,000,000 for fiscal year 2003.

(2) **OFFSET.**—Of the amount appropriated or otherwise made available by title III of division K for the National Aeronautics and Space Administration, the amount available for the Origins program under the Office of Space Sciences is hereby reduced by \$5,000,000.

SA 113. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ SAVINGS PROVISION OF CERTAIN TRANSFERS MADE UNDER THE HOMELAND SECURITY ACT OF 2002.

The transfer of functions under subtitle B of title XI of the Homeland Security Act of 2003 (Public Law 107-296) shall not affect any pending or completed administrative actions, including orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, or registrations, in effect on the date immediately prior to the date of such transfer, or any proceeding, unless and until amended, modified, superseded, terminated, set aside, or revoked. Pending civil actions shall not be affected by such transfer of functions.

SA 114. Mr. JEFFORDS (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

SEC. ____. The amendments made by section 890 of the Homeland Security Act of 2002, relating to the Air Transportation Safety and Systems Stabilization Act, are repealed and the Air Transportation Safety and Systems Stabilization Act shall be applied as if such amendments had not been enacted.

SA 115. Mr. JEFFORDS (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 180, line 25, strike “\$566,500,000” and insert “\$750,000,000”.

SA 116. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes, which was ordered to lie on the table, as follows:

At the appropriate place in Division A insert:

SEC. ____. Notwithstanding any other provision of law, the Secretary of Agriculture shall use the funds, facilities, and authorities of the Commodity Credit Corporation to ensure that United States contributions for international humanitarian food assistance for each fiscal year 2003 and 2004 shall be no less than the previous five year average beginning on the date of enactment of this Act.

SA 117. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 602. The rescission requirements in section 601(a) shall not apply with respect to the budget authority provided for amounts appropriated by title I of division K for the Department of Veterans Affairs for the Veterans Health Administration for Medical Care, or to any amounts appropriated pursuant to that budget authority.

SA 118. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 3 and 4, insert the following:

SEC. 7 ____ TRANSFER OF FOREST LEGACY PROGRAM LAND.

Section 7(l) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c(l)) is amended by inserting after paragraph (2) the following:

“(3) **TRANSFER OF FOREST LEGACY PROGRAM LAND.**—

“(A) **IN GENERAL.**—Subject to any terms and conditions that the Secretary may require (including the requirements described in subparagraph (B)), the Secretary may, at the request of a participating State, convey to the State, by quitclaim deed, without consideration, any land or interest in land acquired in the State under the Forest Legacy Program.

“(B) **REQUIREMENTS.**—In conveying land or an interest in land under subparagraph (A), the Secretary may require that—

“(i) the deed conveying the land or interest in land include requirements for the management of the land in a manner that—

“(I) conserves the land or interest in land; and

“(II) is consistent with any other Forest Legacy Program purposes for which the land or interest in land was acquired;

“(ii) if the land or interest in land is subsequently sold, exchanged, or otherwise disposed of by the State, the State shall—

“(I) reimburse the Secretary in an amount that is based on the current market value of the land or interest in land in proportion to the amount of consideration paid by the United States for the land or interest in land; or

“(II) convey to the Secretary land or an interest in land that is equal in value to the land or interest in land conveyed.

“(C) **DISPOSITION OF FUNDS.**—Amounts received by the Secretary under subparagraph (B)(ii) shall be credited to the Forest Legacy Program account, to remain available until expended.”.

SA 119. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. In addition to amounts otherwise appropriated in this Act, there are appropriated \$1,600,000,000 to enable the Department of Health and Human Services to enhance the preparedness of the United States to respond effectively to acts of bioterrorism, of which—

(1) \$850,000,000 shall be made available for grants to States and local communities for the costs of smallpox vaccination programs; and

(2) \$750,000,000 shall be made available to extend the Vaccine Injury Compensation Program under title XXI of the Public Health Service Act (42 U.S.C. 300aa-1 et seq.) to cover those individuals who experience injuries or other hardships resulting from the administration of vaccinia virus or other countermeasures against smallpox.

SA 120. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. In addition to amounts otherwise appropriated in this Act, there are appropriated \$2,875,000,000 to enable the Department of Health and Human Services to enhance the preparedness of the United States to respond effectively to acts of bioterrorism, of which—

(1) \$850,000,000 shall be made available for grants to States and local communities for the costs of smallpox vaccination programs;

(2) \$750,000,000 shall be made available to extend the Vaccine Injury Compensation Program under title XXI of the Public Health Service Act (42 U.S.C. 300aa-1 et seq.) to cover those individuals who experience injuries or other hardships resulting from the administration of vaccinia virus or other countermeasures against smallpox;

(3) \$1,250,000 shall be made available to improve the preparedness of hospitals for bioterrorism; and

(4) \$25,000,000 shall be made available to the Centers for Disease Control and Prevention to enhance control of biological agents and toxins as described under section 351A of the Public Health Service Act.

SA 121. Mr. KENNEDY submitted an amendment intended to be proposed by

him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1047, between lines 19 and 20, insert the following:

SEC. 404. (a) Section 1886(d)(5)(B)(ii) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended—

(1) in subclause (V), by adding “and” at the end; and

(2) by striking subclauses (VI) and (VII) and inserting the following:

“(VI) on or after October 1, 2001, ‘c’ is equal to 1.6.”.

(b) Section 1886(d)(2)(C)(i) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(C)(i)) is amended—

(1) by striking “1999 or” and inserting “1999.”; and

(2) by inserting “, or of section 404 of division N of the Joint Resolution entitled ‘Joint Resolution making further continuing appropriations for the fiscal year 2003, and for other purposes’ after ‘2000’.”.

SA 122. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 14, insert before the period the following: “: *Provided further*, That an additional \$13,603,766 shall be appropriated for the Food and Drug Administration and shall be made available for the review of medical devices, and such amount shall be in addition to any other amounts appropriated in this Act for such activities: *Provided further*, that amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Health and Human Services shall be reduced on pro rata basis by \$13,603,766”.

SA 123. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) IN GENERAL.—In addition to amounts otherwise appropriated in this Act, there are appropriated \$584,646,000, of which—

(1) \$43,492,000 shall be made available to the National Center on Minority Health and Health Disparities;

(2) \$21,015,000 shall be made available to the Office of Minority Health of the Department of Health and Human Services;

(3) \$15,334,000 shall be made available to the Office for Civil Rights of the Department of Health and Human Services for discrimination-related enforcement and allocated to enforcement actions and the investigation of complaints and potential violations of law relating to discrimination and racial disparities in health care;

(4) \$491,500,000 shall be made available to the Department of Health and Human Services for research and activities under the Minority HIV/AIDS initiative; and

(5) \$13,305,000 shall be made available to the Health Resources and Services Administration for Health Professions Training for Diversity programs.

(b) OFFICE OF MINORITY HEALTH.—The amount appropriated under subsection (a)(2),

shall be made available to the Office of Minority Health of the Department of Health and Human Services to be used for activities including—

(1) to undertake, through and in collaboration with the Public Health Service agencies, a coordinated Federal initiative to reduce racial and ethnic disparities in health, particularly in the six focus areas of infant mortality, cancer screening and management, cardiovascular disease, diabetes, HIV/AIDS, and immunizations;

(2) to increase funding for minority health initiatives and collaborations at the multi-State, State, and local level that employ proven public health strategies to reduce health disparities in specific minority populations;

(3) to expand Federal efforts and assist States in the collection and analysis of health status data that includes standard racial and ethnic data;

(4) to conduct or support research on effective health interventions in minority communities;

(5) to assist in the development and dissemination of cross cultural curricula for the training of health professionals;

(6) to provide technical assistance to States to improve public health infrastructures and outreach for health disparity populations; and

(7) to sponsor National Forums on African American Health Care, Latino Health Care, Asian American Health Care, and Native American Health Care.

SA 124. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 620, between lines 18 and 19, insert the following:

SEC. _____. PELL GRANT FUNDING.

(a) ADDITIONAL APPROPRIATIONS.—Notwithstanding any other provision of this Act, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, for an additional amount for “Student Financial Assistance” for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965, \$1,350,000,000 to remain available through September 30, 2004.

(b) MAXIMUM PELL GRANT.—Notwithstanding any other provision of this Act, the maximum Pell Grant for which a student shall be eligible during award year 2003-2004 shall be \$4,500.

(c) ACROSS-THE-BOARD RESCISSION.—Notwithstanding any other provision of this Act, funds provided under subsections (a) and (b) shall not result in a further across-the-board rescission under section 601 of Division N.

SA 125. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 620, between lines 18 and 19, insert the following:

SEC. _____. ADDITIONAL FUNDING FOR EDUCATION.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, in lieu of any amounts otherwise appropriated under this Act for part A of title II of the Elementary and Secondary Education Act of 1965, the following sums are appropriated, out of any

money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, \$3,500,000,000 for carrying out such part, to remain available through September 30, 2004.

(b) ACROSS-THE-BOARD RESCISSION.—Notwithstanding any other provision of this Act, funds provided under subsection (a) shall not result in a further across-the-board rescission under section 601 of Division N.

SA 126. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003; and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

“SEC. PERMANENT AUTHORITY TO OPERATE THE STRATEGIC PETROLEUM RESERVE AND OTHER ENERGY PROGRAMS

(a) AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) by striking section 166 (42 U.S.C. 6246) and inserting—

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 166. There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part and part D, to remain available until expended.”;

(2) by striking section 186 (42 U.S.C. 6250e); and

(3) by striking part E (42 U.S.C. 6251; relating to the expiration of title I of the Act).

(b) AMENDMENT TO TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.) is amended—

(1) by striking section 256(h) (42 U.S.C. 6276(h)) and inserting—

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part, to remain available until expended.”;

(2) by inserting before section 273 (42 U.S.C. 6283) the following:)

“PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS”;

(3) by striking section 273(e) (42 U.S.C. 6283(e); relating to the expiration of summer fill and fuel budgeting programs); and

(4) by striking part D (42 U.S.C. 6285; relating to the expiration of title II of the Act).

(c) TECHNICAL AMENDMENTS.—The table of contents for the Energy Policy and Conservation Act is amended—

(1) by amending the items relating to part D of title I to read as follows:

“PART D—NORTHWEST HOME HEATING OIL RESERVE

“Sec. 181. Establishment.

“Sec. 182. Authority.

“Sec. 183. Conditions for release; plan.

“Sec. 184. Northeast Home Heating Oil Reserve Account.

“Sec. 185. Exemptions.”;

“(2) by amending the items relating to part C of title II to read as follows:

“PART C—SUMMER FILL AND FUEL BUDGETING PROGRAMS

“Sec. 273. Summer fill and fuel budgeting programs.”; and

(3) by striking the items relating to part D of title II.

(d) Section 183(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6250b(b)(1)) is amended by inserting “(considered as a heating season average)” “mid-October” through March”.

(e) **FULL CAPACITY.**—The President shall—

(1) fill the Strategic Petroleum Reserve established pursuant to part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.) to full capacity as soon as practicable.

(2) acquire petroleum for the Strategic Petroleum Reserve by the most practicable and cost-effective means, including the acquisition of crude oil the United States is entitled to receive in kind as royalties from production on Federal lands; and

(3) ensure that the fill rate minimizes impacts on petroleum markets.

(b) **RECOMMENDATIONS.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Congress a plan to—

(1) eliminate any infrastructure impediments that may limit maximum drawdown capability; and

(2) determine whether the capacity of the Strategic Petroleum Reserve on the date of enactment of this section is adequate in light of the increasing consumption of petroleum and the reliance on imported petroleum.

SA 127. Mr. DURBIN (for himself, Mr. DEWINE, Mr. DASCHLE, Mr. KENNEDY, Mrs. BOXER, Mrs. MURRAY, Mr. SCHUMER, Ms. MIKULSKI, Mr. LEAHY, Mr. KOHL, Mrs. CLINTON, Mr. BIDEN, Ms. LANDRIEU, Mr. CORZINE, Mr. EDWARDS, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 7 and 8, insert the following:

UNITED STATES AGENCY FOR INTERNATIONAL
DEVELOPMENT
CHILD SURVIVAL AND HEALTH PROGRAMS FUND
ADDITIONAL AMOUNT FOR GLOBAL HIV/AIDS
PROGRAMS
(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, \$180,000,000, to remain available until September 30, 2004: *Provided*, That of such amount, not less than \$100,000,000 shall be made available for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (in addition to amounts made available for contribution to such Fund under any other provision of this Act): *Provided, further*, That, of the additional amount appropriated under this heading, up to \$25,000,000 (not to be derived from the amount made available for contribution under the preceding proviso) may be transferred to (and upon transfer shall be merged with) amounts appropriated for the Department of Health and Human Services for the Centers for Disease Control and Prevention for disease control, research, and training under title II of division G of this Act, which shall be made available for child survival, maternal health, and other disease programs and development activities to prevent, treat, care for, and address the impact and consequences of HIV/AIDS: *Provided, further*, That not more than seven percent of the total amount appropriated under this heading may be made available for administrative costs of departments and agencies of the United States that carry out programs for which funds are appropriated under this heading, but funds made available

for such costs may not to be derived from amounts made available for contribution and transfer under the preceding provisos.

SA 128. Mr. LEVIN (for himself, Mr. FITZGERALD, Mr. DEWINE, Mr. VOINOVICH, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 259, line 19, strike “projects:” and insert “projects; and of which \$500,000 shall be available for dispersal barriers in the Chicago Ship and Sanitary Canal, Illinois:”.

SA 129. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . USE OF EMERGENCY FUNDS FOR SMALL BUSINESS LOANS.

The matter under the heading “BUSINESS LOANS PROGRAM ACCOUNT” in chapter 2 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117) is amended by striking “For emergency expenses” and inserting the following: “For loan guarantee subsidies under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or for emergency expenses”.

SA 130. Mr. CONRAD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1032, strike line 21 and all that follows through page 1041, line 13, and insert the following:

TITLE II—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the “Emergency Agricultural Disaster Assistance Act of 2003”.

SEC. 202. CROP DISASTER ASSISTANCE.

(a) **IN GENERAL.**—The Secretary of Agriculture (referred to in this title as the “Secretary”) shall use such sums as are necessary, but not to exceed \$2,250,000,000, of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop losses for the 2001 or 2002 crop, or both, due to damaging weather or related condition, as determined by the Secretary.

(b) **ADMINISTRATION.**—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549, 1549A-55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(c) **CROP INSURANCE.**—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that

have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

SEC. 203. LIVESTOCK ASSISTANCE PROGRAM.

(a) **IN GENERAL.**—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation as are necessary, but not to exceed \$720,000,000, to make and administer payments for livestock losses to producers for 2001 or 2002 losses, or both, in a county that has received a corresponding emergency designation by the President or the Secretary, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549, 1549A-51).

(b) **ADMINISTRATION.**—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549, 1549A-51).

SEC. 204. CROP AND PASTURE FLOOD COMPENSATION PROGRAM.

(a) **DEFINITION OF COVERED LAND.**—In this section:

(1) **IN GENERAL.**—The term “covered land” means land that—

(A) was unusable for agricultural production during the 2001 or 2002 crop year, or both, as the result of flooding;

(B) was used for agricultural production during at least 1 of the 1992 through 2000 crop years;

(C) is a contiguous parcel of land of at least 1 acre; and

(D) is located in a county in which producers were eligible for assistance under the 1998 or 2000 Flood Compensation Program established under part 1439 of title 7, Code of Federal Regulations.

(2) **EXCLUSIONS.**—The term “covered land” excludes any land for which a producer is insured, enrolled, or assisted during the 2001 or 2002 crop year (as applicable) under—

(A) a policy or plan of insurance authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program operated under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333);

(C) any crop disaster program established for the 2001 or 2002 crop year (as applicable);

(D) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

(E) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.);

(F) any emergency watershed protection program or Federal easement program that prohibits crop production or grazing; or

(G) any other Federal or State water storage program, as determined by the Secretary.

(b) **COMPENSATION.**—The Secretary shall use not more than \$12,000,000 of funds of the Commodity Credit Corporation to compensate producers with covered land for losses on the covered land from long-term flooding.

(c) **PAYMENT RATE.**—The payment rate for compensation provided to a producer under this section shall equal the average county cash rental rate per acre established by the National Agricultural Statistics Service for the 2001 or 2002 crop year (as applicable).

(d) **PAYMENT LIMITATION.**—The total amount of payments made to a person (as defined in section 1001(e) of the Food Security

Act (7 U.S.C. 1308(e))) under this section may not exceed \$40,000.

SEC. 205. FUNDING.

Of the funds of the Commodity Credit Corporation, the Secretary shall—

(1) use such sums as are necessary to carry out this title, to remain available until expended; and

(2) transfer to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to remain available until expended, an amount that does not exceed the greater of—

(A) \$250,000,000; or

(B) the amount equal to the amount of funds under section 32 of that Act that—

(i) were made available before the date of enactment of this Act to provide assistance to livestock producers under the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070); and

(ii) were not otherwise reimbursed from another account used by the Secretary or the Commodity Credit Corporation.

SEC. 206. REGULATIONS.

SA 131. Mr. HARKIN (for himself, Mr. DURBIN, Ms. LANDRIEU, and Mr. BREAU) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, line 1, strike “\$329,397,000,” and insert “\$348,397,000, of which \$19,000,000 (referred to in this title as the ‘supplemental legal assistance amount’) is to provide supplemental funding for basic field programs, and related administration, to ensure that no service area (including a merged or reconfigured service area) receives less funding under the Legal Services Corporation Act for fiscal year 2003 than the area received for fiscal year 2002, due to use of data from the 2000 Census, and”.

On page 183, after line 25, add the following:

SEC. _____. The amount made available under each account in this division, other than the accounts relating to the Legal Services Corporation and the accounts contained in title III, for travel expenses, supplies, and printing expenses shall be reduced on a pro rata basis, so that the total of the reductions equals \$19,000,000.

SA 132. Mr. HARKIN (for himself, Mr. FEINGOLD, and Mr. DODD) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available in this Act may be used by the Secretary of the Treasury or his delegate to issue any rule or regulation which implements the proposed amendments to Internal Revenue Service regulations set forth in REG-209500-86 and REG-164464-02, filed December 10, 2002, or any amendments reaching results similar to such proposed amendments.

SA 133. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1037, strike line 18 and all that follows through page 1039, line 9.

SA 134. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1036, strike lines 15 through 22 and insert the following:

established by the Secretary for the Program; and

(2) effective beginning on the date of enactment

SA 135. Mr. TALENT (for himself, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CORN.

Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the planting, prevented planting, and production of corn used to produce popcorn as the planting, prevented planting, and production of corn for the purposes of determining base acres and payment yields for direct and counter-cyclical payments under subtitle A of title I of Public Law 107-171.

SA 136. Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. KERRY, Mr. JEFFORDS, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes, which was ordered to lie on the table, as follows:

At the appropriate place in title II of division G, insert the following:

SEC. _____. (a) IN GENERAL.—In addition to amounts otherwise appropriated under this Act to carry out programs and activities under title VIII of the Public Health Service Act, there are appropriated an additional \$20,000,000, to remain available until expended, to carry out programs and activities authorized under sections 831, 846, 846A, 851, 852, and 855 of such Act (as amended by the Nurse Reinvestment Act (Public Law 107-205)).

(b) OFFSET.—Amounts made available under this division for the administrative and related expenses for departmental management shall be reduced on pro rata basis by \$20,000,000.

SA 137. Mr. LIEBERMAN (for himself, Ms. LANDRIEU, Mr. HOLLINGS, and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, between lines 8 and 9, insert the following:

SEC. _____. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

(a) DECREASED COST-SHARING REQUIREMENT.—Section 507(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking “(1) Except” and inserting the following:

“(1) IN GENERAL.—Except”;

(2) by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

(3) by striking “(2) The Secretary” and inserting the following:

“(2) WAIVER.—The Secretary”;

(4) by striking “paragraph (1)” and inserting “paragraphs (1) and (3)”;

(5) by adding at the end the following:

“(3) EXCEPTION.—The Secretary shall not obligate funds made available under subsection (d)(2) for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places unless the grantee agrees to provide, from funds derived from non-Federal sources, an amount that is equal to 30 percent of the total cost of the project for which the grant is provided.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 507(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking “Pursuant to” and inserting the following:

“(1) IN GENERAL.—Under”;

(2) by adding at the end the following:

“(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated from the Historic Preservation Fund to carry out this section \$10,000,000 for each of fiscal years 2003 through 2008.”.

SA 138. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriation for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1047, between lines 19 and 20, insert the following:

SEC. 404. Section 136 of Public Law 107-229, as added by section 5 of Public Law 107-240, is amended by striking “60 days after the date specified in section 107(c) of Public Law 107-229, as amended” and inserting “September 30, 2003”.

SA 139. Mr. GRAHAM of Florida (for himself, Mr. NELSON of Florida, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was

On page 271, between lines 10 and 11, insert the following:

SEC. 1 _____. MODIFIED WATER DELIVERY PROJECT IN THE STATE OF FLORIDA.

The Corps of Engineers, using funds made available for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8), shall immediately carry out alternative 6D (including paying 100 percent of the cost of acquiring land or an interest in land) for the purpose of providing a flood protection system for the 8.5 square mile area described in the report entitled “Central and South Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement” and dated July 2000.

SA 140. Mr. REID (for himself, Mr. WYDEN, Mr. HARKIN, and Mr. CRAPO)

submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ CDBG FUNDS.—(a) Not later than 30 days after the date of enactment of this Act, funds made available for block grants under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) for fiscal year 2002 may not be withheld from any metropolitan city that has satisfied the population criteria pursuant to the 2000 census and has satisfied all other required criteria, including the metropolitan cities listed in subsection (b).

(b) The metropolitan cities listed in this subsection are—

- (1) Ames, Iowa;
- (2) Bend, Oregon;
- (3) Carson City, Nevada; and
- (4) Idaho Falls, Idaho.

SA 141. Mrs. MURRAY submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert:

SEC. SENSE OF THE SENATE REGARDING THE CONTINUATION OF AMTRAK SERVICE.—It is the Sense of the Senate that the conferees on this joint resolution should approve the full \$1,200,000,000 included in the Senate version of this resolution for Grants to the National Railroad Passenger Corporation (Amtrak) so as to ensure the continuation of passenger rail service along Amtrak's national passenger rail network, including the Northeast Corridor, for the remainder of the current fiscal year.

SA 142. Mr. REID submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 3 and 4, insert the following:

SEC. 7. RESTORATION OF FISH, WILDLIFE, AND ASSOCIATED HABITATS IN WATERSHEDS OF CERTAIN LAKES.

(a) IN GENERAL.—In carrying out section 2507 of Public Law 107-171, the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) subject to paragraph (3), provide water and assistance under that section only for the Pyramid, Summit, and Walker Lakes in the State of Nevada;

(2) use \$1,000,000 to provide a grant to the Walker River Paiute Tribe for the creation of a fish hatchery at Walker Lake; and

(3) use \$2,000,000 to provide grants, to be divided equally, to the State of Nevada, the State of California, the Truckee Meadows Water Authority, and the Pyramid Lake Paiute Tribe, to implement the Truckee River Operating Agreement.

(b) RESTORATION OF LAKES.—Notwithstanding any other provision of law, the Secretary of the Interior, acting through the Commissioner of Reclamation, may take actions or initiate programs that will provide additional water to Pyramid, Summit, and Walker Lakes in the State of Nevada—

(1) to protect, restore, and enhance fish, wildlife, and associated habitats of the Lakes; and

(2) to protect, restore, and enhance fish, wildlife, and associated habitats in the watersheds of the Lakes if the actions or programs will result in the restoration of the Lakes.

(c) ADMINISTRATION.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may provide financial assistance to State and local public agencies, Indian tribes, nonprofit organizations, and individuals to carry out this section and section 2507 of Public Law 107-171.

SA 143. Mr. REID (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 3 and 4, insert the following:

SEC. 7. FEDERAL MILK MARKETING.

(a) EXEMPTION OF MILK PRODUCERS AND HANDLERS FROM OBLIGATION TO POOL MILK.—Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

“(M) OBLIGATION OF CERTAIN MILK PRODUCERS AND HANDLERS TO POOL MILK.—

“(i) DEFINITION OF COVERED PRODUCER OR HANDLER.—

“(I) IN GENERAL.—In this subparagraph, the term ‘covered producer or handler’ means a producer-handler, producer operating as a handler, or handler of Class I milk products—

“(aa) a plant of which is located within the boundaries of a marketing area (as those boundaries are in effect as of the date of enactment of this subparagraph) and covered by an order issued pursuant to this paragraph;

“(bb) that has packaged fluid milk product dispositions, or sales of packaged fluid milk products to other plants, in a milk marketing area located in a State that enforces minimum prices to handlers for milk purchases; and

“(cc) that is not otherwise obligated by an order under this paragraph, or a regulated milk pricing plan operated by a State, to pay minimum class prices for the raw milk presented by those milk dispositions or sales.

“(II) EXCLUSIONS.—The term ‘covered producer or handler’ does not include—

“(aa) a handler that operates an exempt plant (as defined in section 1000.8(e) of title 7, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph)); or

“(bb) a producer-handler that has route dispositions, and sales to other plants, of packaged fluid milk products equaling less than 6,000,000 pounds of milk in any 30-day period.”

“(i) REQUIREMENT.—Notwithstanding any other provision of this subsection and without limiting the authority of the Secretary to otherwise regulate a noncovered producer or handler, a covered producer or handler shall be subject to all minimum price requirements of the Federal milk marketing order in which the plant of the covered producer or handler is located, at Federal order class prices for the county in which the plant is located.”

(b) EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.—Section 8c(5) of the Agricultural Adjustment Act (7

U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (as amended by subsection (a)), is amended by adding at the end the following:

“(N) EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.—Notwithstanding any other provision of this subsection, no handler with distribution of Class I milk products in the Arizona-Las Vegas marketing area (Order No. 131) shall be exempt during any month from any minimum milk price requirement established by the Secretary under this subsection if the total distribution of Class I products within the Arizona-Las Vegas marketing area of any handler's own farm production exceeds the lesser of—

“(i) 3 percent of the total quantity of Class I products distributed in the Arizona-Las Vegas marketing area (Order No. 131); or

“(ii) 5,000,000 pounds.”

(c) EXCLUSION OF NEVADA FROM FEDERAL MILK MARKETING ORDERS.—

(1) IN GENERAL.—Section 8c(11)(C) of the Agricultural Adjustment Act (7 U.S.C. 608c(11)(C)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking the last sentence and inserting the following: “In the case of milk and its products, no county located within the State of Nevada shall be within a marketing area defined in any order issued under this section.”

(2) INFORMAL RULEMAKING.—The Secretary of Agriculture may modify an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to implement the amendment made by paragraph (1) by promulgating regulations, without regard to sections 556 and 557 of title 5, United States Code.

SA 144. Mr. SANTORUM submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, line 7, before the period at the end insert the following: “*Provided further*, That, notwithstanding any other provision of law, the funds under this heading that are available for efforts relating to the treatment and prevention of HIV/AIDS shall also include family preservation efforts carried out through programs and initiatives that are designed to maintain and preserve the families of those persons afflicted with HIV/AIDS and to reduce the numbers of orphans created by HIV/AIDS”.

SA 145. Ms. SNOWE submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1047, between lines 19 and 20, insert the following:

SEC. 404. (a) EXTENDING AVAILABILITY OF SCHIP ALLOTMENTS FOR FISCAL YEARS 1998 THROUGH 2001.—

(1) RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEARS 1998 AND 1999.—Paragraphs (2)(A)(i) and (2)(A)(ii) of section 2104(g) of the Social Security Act (42 U.S.C. 1397dd(g)) are each amended by striking “fiscal year 2002” and inserting “fiscal year 2004”.

(2) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2000.—

(A) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2000 ALLOTMENT.—Paragraph (2) of such section 2104(g) is amended—

(i) in the heading, by striking “AND 1999” and inserting “THROUGH 2000”; and

(ii) by adding at the end of subparagraph (A) the following:

“(iii) FISCAL YEAR 2000 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2000 that were not expended by the State by the end of fiscal year 2002, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2004.”.

(B) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g) is amended—

(i) in subparagraph (A), by inserting “or for fiscal year 2000 by the end of fiscal year 2002,” after “fiscal year 2001,”;

(ii) in subparagraph (A), by striking “1998 or 1999” and inserting “1998, 1999, or 2000”;

(iii) in subparagraph (A)(i)—

(I) by striking “or” at the end of subclause (I),

(II) by striking the period at the end of subclause (II) and inserting “; or”; and

(III) by adding at the end the following new subclause:

“(III) the fiscal year 2000 allotment, the amount specified in subparagraph (C)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (C)(ii) for the State to the amount specified in subparagraph (C)(iii).”;

(iv) in subparagraph (A)(ii), by striking “or 1999” and inserting “, 1999, or 2000”;

(v) in subparagraph (B), by striking “with respect to fiscal year 1998 or 1999”;

(vi) in subparagraph (B)(ii)—

(I) by inserting “with respect to fiscal year 1998, 1999, or 2000,” after “subsection (e).”; and

(II) by striking “2002” and inserting “2004”;

(vii) by adding at the end the following new subparagraph:

“(C) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2000.—For purposes of subparagraph (A)(i)(III)—

“(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2000, less the total amount remaining available pursuant to paragraph (2)(A)(iii);

“(ii) the amount specified in this clause for a State is the amount by which the State’s expenditures under this title in fiscal years 2000, 2001, and 2002 exceed the State’s allotment for fiscal year 2000 under subsection (b); and

“(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2000, of the amounts specified in clause (ii).”.

(C) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(i) in its heading, by striking “AND 1999” and inserting “, 1999, AND 2000”; and

(ii) in paragraph (3)—

(I) by striking “or fiscal year 1999” and inserting “, fiscal year 1999, or fiscal year 2000”; and

(II) by striking “or November 30, 2001” and inserting “November 30, 2001, or November 30, 2002”, respectively.

(3) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2001.—

(A) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2001 ALLOTMENT.—Paragraph (2) of such section 2104(g), as amended in paragraph (2)(A)(ii), is further amended—

(i) in the heading, by striking “2000” and inserting “2001”; and

(ii) by adding at the end of subparagraph (A) the following:

“(iv) FISCAL YEAR 2001 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2001 that were not expended by the State by the end of fiscal year 2003, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2005.”.

(B) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g), as amended in paragraph (2)(B), is further amended—

(i) in subparagraph (A), by inserting “or for fiscal year 2001 by the end of fiscal year 2003,” after “fiscal year 2002,”;

(ii) in subparagraph (A), by striking “1999, or 2000” and inserting “1999, 2000, or 2001”;

(iii) in subparagraph (A)(i)—

(I) by striking “or” at the end of subclause (II),

(II) by striking the period at the end of subclause (III) and inserting “; or”; and

(III) by adding at the end the following new subclause:

“(IV) the fiscal year 2001 allotment, the amount specified in subparagraph (D)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (D)(ii) for the State to the amount specified in subparagraph (D)(iii).”;

(iv) in subparagraph (A)(ii), by striking “or 2000” and inserting “2000, or 2001”;

(v) in subparagraph (B)—

(I) by striking “and” at the end of clause (ii);

(II) by redesignating clause (iii) as clause (iv); and

(III) by inserting after clause (ii) the following new clause:

“(iii) notwithstanding subsection (e), with respect to fiscal year 2001, shall remain available for expenditure by the State through the end of fiscal year 2005; and”; and

(vi) by adding at the end the following new subparagraph:

“(D) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2001.—For purposes of subparagraph (A)(i)(IV)—

“(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2001, less the total amount remaining available pursuant to paragraph (2)(A)(iv);

“(ii) the amount specified in this clause for a State is the amount by which the State’s expenditures under this title in fiscal years 2001, 2002, and 2003 exceed the State’s allotment for fiscal year 2001 under subsection (b); and

“(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2001, of the amounts specified in clause (ii).”.

(C) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(i) in its heading, by striking “AND 2000” and inserting “2000, AND 2001”; and

(ii) in paragraph (3)—

(I) by striking “or fiscal year 2000” and inserting “fiscal year 2000, or fiscal year 2001”; and

(II) by striking “or November 30, 2002,” and inserting “November 30, 2002, or November 30, 2003”, respectively.

(4) EFFECTIVE DATE.—This subsection, and the amendments made by this subsection, shall be effective as if this subsection had been enacted on September 30, 2002, and amounts under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) from allotments for fiscal years 1998 through 2000 are available for expenditure on and after October 1, 2002, under the amendments made by this subsection as if this subsection had been enacted on September 30, 2002.

(b) AUTHORITY FOR QUALIFYING STATES TO USE PORTION OF SCHIP FUNDS FOR MEDICAID EXPENDITURES.—Section 2105 of the Social Security Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

“(g) AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.—

“(1) STATE OPTION.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, with respect to allotments for fiscal years 1998, 1999, 2000, 2001, for fiscal years in which such allotments are available under subsections (e) and (g) of section 2104, a qualifying State (as defined in paragraph (2)) may elect to use not more than 20 percent of such allotments (instead of for expenditures under this title) for payments for such fiscal year under title XIX in accordance with subparagraph (B).

“(B) PAYMENTS TO STATES.—

“(i) IN GENERAL.—In the case of a qualifying State that has elected the option described in subparagraph (A), subject to the total amount of funds described with respect to the State in subparagraph (A), the Secretary shall pay the State an amount each quarter equal to the additional amount that would have been paid to the State under title XIX for expenditures of the State for the fiscal year described in clause (ii) if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)) of such expenditures.

“(ii) EXPENDITURES DESCRIBED.—For purposes of clause (i), the expenditures described in this clause are expenditures for such fiscal years for providing medical assistance under title XIX to individuals who have not attained age 19 and whose family income exceeds 150 percent of the poverty line.

“(2) QUALIFYING STATE.—In this subsection, the term ‘qualifying State’ means a State that—

“(A) as of April 15, 1997, has an income eligibility standard with respect to any 1 or more categories of children (other than infants) who are eligible for medical assistance under section 1902(a)(10)(A) or under a waiver under section 1115 implemented on January 1, 1994, that is up to 185 percent of the poverty line or above; and

“(B) satisfies the requirements described in paragraph (3).

“(3) REQUIREMENTS.—The requirements described in this paragraph are the following:

“(A) SCHIP INCOME ELIGIBILITY.—The State has a State child health plan that (whether implemented under title XIX or this title)—

“(i) as of January 1, 2001, has an income eligibility standard that is at least 200 percent of the poverty line or has an income eligibility standard that exceeds 200 percent of the poverty line under a waiver under section 1115 that is based on a child’s lack of health insurance;

“(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

“(iii) provides benefits to all children in the State who apply for and meet eligibility standards on a statewide basis.

“(B) NO WAITING LIST IMPOSED.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.

“(C) ADDITIONAL REQUIREMENTS.—The State has implemented at least 4 of the following policies and procedures (relating to coverage of children under title XIX and this title):

“(i) UNIFORM, SIMPLIFIED APPLICATION FORM.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State uses the same uniform, simplified application form (including, if applicable, permitting application other than in person) for purposes of establishing eligibility for benefits under title XIX and this title.

“(ii) ELIMINATION OF ASSET TEST.—The State does not apply any asset test for eligibility under section 1902(l) or this title with respect to children.

“(iii) ADOPTION OF 12-MONTH CONTINUOUS ENROLLMENT.—The State provides that eligibility shall not be regularly redetermined more often than once every year under this title or for children described in section 1902(a)(10)(A).

“(iv) SAME VERIFICATION AND REDETERMINATION POLICIES; AUTOMATIC REASSESSMENT OF ELIGIBILITY.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State provides for initial eligibility determinations and redeterminations of eligibility using the same verification policies (including with respect to face-to-face interviews), forms, and frequency as the State uses for such purposes under this title, and, as part of such redeterminations, provides for the automatic reassessment of the eligibility of such children for assistance under title XIX and this title.

“(v) OUTSTATIONING ENROLLMENT STAFF.—The State provides for the receipt and initial processing of applications for benefits under this title and for children under title XIX at facilities defined as disproportionate share hospitals under section 1923(a)(1)(A) and Federally-qualified health centers described in section 1905(l)(2)(B) consistent with section 1902(a)(55).”.

SA 146. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 720, beginning in line 5, strike “*Provided further*, That none of the funds provided in this Act shall be available to compensate in excess of 37 active duty flag officer billets.”.

SA 147. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 136, beginning with line 10, strike through line 22.

SA 148. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, beginning with line 8, strike through line 12.

SA 149. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, beginning with line 11, strike through line 15.

SA 150. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 432, line 10 after “expended:” insert the following:

“*Provided*, That subsection (t) of P.L. 93-153 is amended hereinafter in the first sentence by inserting “or renew or extend” before “any” the first place it appears and by inserting “on or” before “before:”.

SA 151. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following new section:

“SEC. . CLARIFICATION OF ALASKA NATIVE SETTLEMENT TRUSTS.

“(A) Section of P.L. (43 U.S.C. 1629b) is amended:

“(1) at subsection (d)(1) by striking “An” and inserting in its place “Except as otherwise set forth in subsection (d)(3) of this section, an”;

“(2) by creating the following new subsection:

“(d)(3) A resolution described in subsection (a)(3) of this section shall be considered to be approved by the shareholders of a Native Corporation if it receives the affirmative vote of shares representing—

“(A) a majority of the shares present or represented by proxy at the meeting relating to such resolution, or

“(B) an amount of the shares greater than a majority of the shares present or represented by proxy at the meeting relating to such resolution (but not greater than two-thirds of the total voting power of the corporation) if the corporation establishes such a level by an amendment to its articles of incorporation.”;

“(3) by creating the following new subsection:

“(f) Substantially all of the assets. For purposes of this section and section 1629e of this title, a Native Corporation shall be considered to be transferring all or substantially all of its assets to a Settlement Trust only if such assets represent two-thirds or more of the fair market value of the Native Corporation’s total assets.

“(B) Section of P.L. (43 U.S.C. 1629e) is amended by striking subsection (B) and inserting in its place the following:

“(B) shall give rise to dissenters rights to the extent provided under the laws of the State only if:

“(i) the rights of beneficiaries in the Settlement Trust receiving a conveyance are inalienable; and

“(ii) a shareholder vote on such transfer is required by (a)(4) of section 1629b of this title.”

SA 152. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1026, after line 22, add the following:

SEC. . Of the total amount appropriated under title IV of the Department of Defense

Appropriations Act, 2003 (Public Law 107-248) for Ballistic Missile Defense Technology, \$4,000,000 shall be available for a Phase III Small Business Innovation Research (SBIR) program that is based on the Missile Defense Agency’s Phase II Small Business Innovation Research (SBIR) program for the use of an open atmosphere vapor deposition process for frequency adaptive electronics and high-density memory storage.

SA 153. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION —REFORM RELATING TO FEDERAL EMPLOYMENT

SEC. . SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Federal Workforce Flexibility Act of 2003”.

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

DIVISION —REFORM RELATING TO FEDERAL EMPLOYMENT

Sec. . Short title; table of contents.

TITLE I—FEDERAL HUMAN RESOURCES MANAGEMENT INNOVATIONS

Sec. 101. Streamlined personnel management demonstration projects.

Sec. 102. Effective date.

TITLE II—REFORMS RELATING TO FEDERAL HUMAN CAPITAL MANAGEMENT

Sec. 201. Recruitment, relocation, and retention bonuses.

Sec. 202. Streamlined critical pay authority.

TITLE III—REFORMS RELATING TO FEDERAL EMPLOYEE CAREER DEVELOPMENT AND BENEFITS

Sec. 301. Agency training.

Sec. 302. Annual leave enhancements.

TITLE I—FEDERAL HUMAN RESOURCES MANAGEMENT INNOVATIONS

SEC. 101. STREAMLINED PERSONNEL MANAGEMENT DEMONSTRATION PROJECTS.

Chapter 47 of title 5, United States Code, is amended—

(1) in section 4701—

(A) in subsection (a)—

(i) by striking “(a)”;

(ii) by striking paragraph (1) and inserting the following:

“(1) ‘agency’ means an Executive agency and any entity that is subject to any provision of this title that could be waived under section 4703, but does not include—

“(A) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency, and, as determined by the President, any Executive agency or unit thereof which is designated by the President and which has as its principal function the conduct of foreign intelligence or counterintelligence activities; or

“(B) the General Accounting Office;”;

(iii) in paragraph (4), by striking “and” at the end;

(iv) by redesignating paragraph (5) as paragraph (6); and

(v) by inserting after paragraph (4) the following:

“(5) ‘modification’ means a significant change in 1 or more of the elements of a demonstration project plan as described in section 4703(b)(1); and”;

(B) by striking subsection (b); and

(2) in section 4703—

(A) in subsection (a)—

(i) by striking “conduct and evaluate demonstration projects” and inserting “conduct, modify, and evaluate demonstration projects”;

(ii) by striking “, including any law or regulation relating to—” and all that follows and inserting a period; and

(iii) by adding at the end the following: “The decision to initiate or modify a project under this section shall be made by the Office.”;

(B) by striking subsection (b) and inserting the following:

“(b) Before conducting or entering into any agreement or contract to conduct a demonstration project, the Office shall ensure—

“(1) that each project has a plan which describes—

“(A) its purpose;

“(B) the employees to be covered;

“(C) its anticipated outcomes and resource implications, including how the project relates to carrying out the agency’s strategic plan, including meeting performance goals and objectives, and accomplishing its mission;

“(D) the personnel policies and procedures the project will use that differ from those otherwise available and applicable, including a specific citation of any provisions of law, rule, or regulation to be waived and a specific description of any contemplated action for which there is a lack of specific authority;

“(E) the method of evaluating the project; and

“(F) the agency’s system for ensuring that the project is implemented in a manner consistent with merit system principles;

“(2) notification of the proposed project to employees who are likely to be affected by the project;

“(3) an appropriate comment period;

“(4) publication of the final plan in the Federal Register;

“(5) notification of the final project at least 90 days in advance of the date any project proposed under this section is to take effect to employees who are likely to be affected by the project;

“(6) publication of any subsequent modification in the Federal Register; and

“(7) notification of any subsequent modification to employees who are included in the project.”;

(C) in subsection (c)—

(i) by striking paragraph (1) and inserting the following:

“(1) any provision of chapter 63 or subpart G of part III of this title;”;

(ii) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(iii) by inserting after paragraph (3) the following:

“(4) section 7342, 7351, or 7353;

“(5) the Ethics in Government Act of 1978 (5 U.S.C. App.);”;

(iv) in paragraph (6) as redesignated, by striking “paragraph (1), (2), or (3) of this subsection; or” and inserting “paragraphs (1) through (5);”;

(D) by striking subsections (d) and (e) and inserting the following:

“(d)(1) Unless terminated at an earlier date in accordance with this section, each demonstration project shall terminate at the end of the 10-year period beginning on the date on which the project takes effect.

“(2) Before the end of the 5-year period beginning on the date on which a demonstration project takes effect, the Office shall submit a recommendation to Congress on whether Congress should enact legislation to make that project permanent.

“(e) The Office may terminate a demonstration project under this chapter if the Office determines that the project—

“(1) is not consistent with merit system principles set forth in section 2301, veterans’ preference principles, or the provisions of this chapter; or

“(2) otherwise imposes a substantial hardship on, or is not in the best interests of, the public, the Government, employees, or eligibles.”;

(E) by striking subsections (h) and (i) and inserting the following:

“(h) Notwithstanding section 2302(e)(1), for purposes of applying section 2302(b)(11) in a demonstration project under this chapter, the term ‘veterans’ preference requirement’ means any of the specific provisions of the demonstration project plan that are designed to ensure that the project is consistent with veterans’ preference principles.

“(i) The Office shall ensure that each demonstration project is evaluated. Each evaluation shall assess—

“(1) the project’s compliance with the plan developed under subsection (b)(1); and

“(2) the project’s impact on improving public management.

“(j) Upon request of the Director of the Office of Personnel Management, agencies shall cooperate with and assist the Office in any evaluation undertaken under subsection (i) and provide the Office with requested information and reports relating to the conducting of demonstration projects in their respective agencies.”.

SEC. 102. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this Act.

TITLE II—REFORMS RELATING TO FEDERAL HUMAN CAPITAL MANAGEMENT

SEC. 201. RECRUITMENT, RELOCATION, AND RETENTION BONUSES.

(a) BONUSES.—

(1) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by striking sections 5753 and 5754 and inserting the following:

“§ 5753. Recruitment and relocation bonuses

“(a) In this section, the term ‘employee’ has the meaning given that term under section 2105, except that such term also includes an employee described under subsection (c) of that section.

“(b)(1) The Office of Personnel Management may authorize the head of an agency to pay a bonus to an individual appointed or moved to a position that is likely to be difficult to fill in the absence of such a bonus, if the individual—

“(A)(i) is newly appointed as an employee of the Federal Government; or

“(ii) is currently employed by the Federal Government and moves to a new position in the same geographic area under circumstances described in regulations of the Office; or

“(B) is currently employed by the Federal Government and must relocate to accept a position stationed in a different geographic area.

“(2) Except as provided by subsection (h), a bonus may be paid under this section only to an employee covered by the General Schedule pay system established under subchapter III of chapter 53.

“(c)(1) Payment of a bonus under this section shall be contingent upon the employee entering into a written service agreement to complete a period of employment with the agency, not to exceed 4 years. The Office may, by regulation, prescribe a minimum service.

“(2)(A) The agreement shall include—

“(i) the length of the required service period;

“(ii) the amount of the bonus;

“(iii) the method of payment; and

“(iv) other terms and conditions under which the bonus is payable, subject to subsections (d) and (e) and regulations of the Office.

“(B) The terms and conditions for paying a bonus, as specified in the service agreement, shall include—

“(i) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

“(ii) the effect of the termination.

“(3) The agreement shall be made effective upon employment with the agency or movement to a new position or geographic area, as applicable, except that a service agreement with respect to a recruitment bonus may be made effective at a later date under circumstances described in regulations of the Office, such as when there is an initial period of formal basic training.

“(d)(1) Except as provided in subsection (e), a bonus under this section shall not exceed 25 percent of the annual rate of basic pay of the employee at the beginning of the service period multiplied by the number of years (or fractions thereof) in the service period, not to exceed 4 years.

“(2) A bonus under this section may be paid as an initial lump sum, in installments, as a final lump sum upon the completion of the full service period, or in a combination of these forms of payment.

“(3) A bonus under this section is not part of the basic pay of an employee for any purpose.

“(4) Under regulations of the Office, a recruitment bonus under this section may be paid to an eligible individual before that individual enters on duty.

“(e) The Office may authorize the head of an agency to waive the limitation under subsection (d)(1) based on a critical agency need, subject to regulations prescribed by the Office. Under such a waiver, the amount of the bonus may be up to 50 percent of the employee’s annual rate of basic pay at the beginning of the service period multiplied by the number of years (or fractions thereof) in the service period, not to exceed 100 percent of the employee’s annual rate of basic pay at the beginning of the service period.

“(f) The Office shall require that, before paying a bonus under this section, an agency shall establish a plan for paying recruitment bonuses and a plan for paying relocation bonuses, subject to regulations prescribed by the Office.

“(g) The Office may prescribe regulations to carry out this section, including regulations relating to the repayment of a recruitment or relocation bonus in appropriate circumstances when the agreed-upon service period has not been completed.

“(h)(1) At the request of the head of an Executive agency, the Office may extend coverage under this section to categories of employees within the agency who otherwise would not be covered by this section.

“(2) The Office shall not extend coverage to the head of an Executive agency, including an Executive agency headed by a board or other collegial body composed of 2 or more individual members.

“§ 5754. Retention bonuses

“(a) In this section, the term ‘employee’ has the meaning given that term under section 2105, except that such term also includes an employee described in subsection (c) of that section.

“(b) The Office of Personnel Management may authorize the head of an agency to pay a retention bonus to an employee, subject to regulations prescribed by the Office, if—

“(1) the unusually high or unique qualifications of the employee or a special need of the

agency for the employee's services makes it essential to retain the employee; and

"(2) the agency determines that, in the absence of a retention bonus, the employee would be likely to leave—

"(A) the Federal service; or

"(B) for a different position in the Federal service under conditions described in regulations of the Office.

"(c) The Office may authorize the head of an agency to pay retention bonuses to a group of employees in 1 or more categories of positions in 1 or more geographic areas, subject to the requirements of subsection (b)(1) and regulations prescribed by the Office, if there is a high risk that a significant portion of employees in the group would be likely to leave in the absence of retention bonuses.

"(d) Except as provided in subsection (j), a bonus may be paid only to an employee covered by the General Schedule pay system established under subchapter III of chapter 53.

"(e)(1) Payment of a retention bonus is contingent upon the employee entering into a written service agreement with the agency to complete a period of employment with the agency.

"(2)(A) The agreement shall include—

"(i) the length of the required service period;

"(ii) the amount of the bonus;

"(iii) the method of payment; and

"(iv) other terms and conditions under which the bonus is payable, subject to subsections (f) and (g) and regulations of the Office.

"(B) The terms and conditions for paying a bonus, as specified in the service agreement, shall include—

"(i) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

"(ii) the effect of the termination.

"(3)(A) Notwithstanding paragraph (1), a written service agreement is not required if the agency pays a retention bonus in bi-weekly installments and sets the installment payment at the full bonus percentage rate established for the employee with no portion of the bonus deferred.

"(B) If an agency pays a retention bonus in accordance with subparagraph (A) and makes a determination to terminate the payments, the agency shall provide written notice to the employee of that determination. Except as provided in regulations of the Office, the employee shall continue to be paid the retention bonus through the end of the pay period in which such written notice is provided.

"(4) A retention bonus for an employee may not be based on any period of such service which is the basis for a recruitment or relocation bonus under section 5753.

"(f)(1) Except as provided in subsection (g), a retention bonus, which shall be stated as a percentage of the employee's basic pay for the service period associated with the bonus, may not exceed—

"(A) 25 percent of the employee's basic pay if paid under subsection (b); or

"(B) 10 percent of an employee's basic pay if paid under subsection (c).

"(2) A retention bonus may be paid to an employee in installments after completion of specified periods of service or in a single lump sum at the end of the full period of service required by the agreement. An installment payment may not exceed the product derived from multiplying the amount of basic pay earned in the installment period by a percentage not to exceed the bonus percentage rate established for the employee. If the installment payment percentage is less than the bonus percentage rate, the accrued but unpaid portion of the bonus is payable as part of the final installment payment to the employee after completion of the full service period under the terms of the service agreement.

"(3) A retention bonus is not part of the basic pay of an employee for any purpose.

"(g) Upon the request of the head of an agency, the Office may waive the limit established under subsection (f)(1) and permit the agency head to pay an otherwise eligible employee or category of employees retention bonuses of up to 50 percent of basic pay, based on a critical agency need.

"(h) The Office shall require that, before paying a bonus under this section, an agency shall establish a plan for paying retention bonuses, subject to regulations prescribed by the Office.

"(i) The Office may prescribe regulations to carry out this section.

"(j)(1) At the request of the head of an Executive agency, the Office may extend coverage under this section to categories of employees within the agency who otherwise would not be covered by this section.

"(2) The Office shall not extend coverage under this section to the head of an Executive agency, including an Executive agency headed by a board or other collegial body composed of 2 or more individual members."

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by striking the item relating to section 5754 and inserting the following:

"5754. Retention bonuses."

(b) RELOCATION PAYMENTS.—Section 407 of the Federal Employees Pay Comparability Act of 1990 (5 U.S.C. 5305 note; 104 Stat. 1467) is repealed.

(c) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—Except as provided under paragraphs (2) and (3), this section shall take effect on the first day of the first applicable pay period beginning on or after 180 days after the date of enactment of this Act.

(2) APPLICATION TO AGREEMENTS.—A recruitment or relocation bonus service agreement that was authorized under section 5753 of title 5, United States Code, before the effective date under paragraph (1) shall continue, until its expiration, to be subject to section 5753 as in effect on the day before such effective date.

(3) APPLICATION TO ALLOWANCES.—Payment of a retention allowance that was authorized under section 5754 of title 5, United States Code, before the effective date under paragraph (1) shall continue, subject to section 5754 as in effect on the day before such effective date, until the retention allowance is reauthorized or terminated (but no longer than 1 year after such effective date).

SEC. 202. STREAMLINED CRITICAL PAY AUTHORITY.

Section 5377 of title 5, United States Code, is amended—

(1) by striking subsection (c) and inserting the following:

"(c) The Office of Personnel Management, in consultation with the Office of Management and Budget, may, upon the request of the head of an agency, grant authority to fix the rate of basic pay for 1 or more positions in such agency in accordance with this section."

(2) in subsection (e)(1), by striking "Office of Management and Budget" and inserting "Office of Personnel Management";

(3) by striking subsections (f) and (g) and inserting the following:

"(f) The Office of Personnel Management may not authorize the exercise of authority under this section with respect to more than 800 positions at any 1 time, of which not more than 30 may, at any such time, be positions the rate of basic pay for which would otherwise be determined under subchapter II.

"(g) The Office of Personnel Management shall consult with the Office of Management

and Budget before making any decision to grant or terminate any authority under this section."; and

(4) in subsection (h), by striking "The Office of Management and Budget shall report to the Committee on Post Office and Civil Service" and inserting "The Office of Personnel Management shall report to the Committee on Government Reform."

TITLE III—REFORMS RELATING TO FEDERAL EMPLOYEE CAREER DEVELOPMENT AND BENEFITS

SEC. 301. AGENCY TRAINING.

(a) TRAINING TO ACCOMPLISH PERFORMANCE PLANS AND STRATEGIC GOALS.—Section 4103 of title 5, United States Code, is amended by adding at the end the following:

"(c) The head of each agency shall—

"(1) evaluate each program or plan established, operated, or maintained under subsection (a) with respect to accomplishing specific performance plans and strategic goals in performing the agency mission; and

"(2) modify such program or plan to accomplish such plans and goals."

(b) AGENCY TRAINING OFFICER; SPECIFIC TRAINING PROGRAMS.—

(1) IN GENERAL.—Chapter 41 of title 5, United States Code, is amended by adding after section 4119 the following:

"§ 4120. Agency training officer

"Each agency shall appoint or designate a training officer who shall be responsible for developing, coordinating, and administering training for the agency.

"§ 4121. Specific training programs

"In consultation with the Office of Personnel Management, each head of an agency shall establish—

"(1) a comprehensive management succession program to provide training to employees to develop managers for the agency; and

"(2) a program to provide training to managers on actions, options, and strategies a manager may use in—

"(A) relating to employees with unacceptable performances; and

"(B) mentoring employees and improving employee performance and productivity."

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 5, United States Code, is amended by adding at the end the following:

"4120. Agency training officer.

"4121. Specific training programs."

SEC. 302. ANNUAL LEAVE ENHANCEMENTS.

(a) ACCRUAL OF LEAVE FOR NEWLY HIRED FEDERAL EMPLOYEES WITH QUALIFIED EXPERIENCE.—

(1) IN GENERAL.—Section 6303 of title 5, United States Code, is amended by adding at the end the following:

"(e)(1) In this subsection, the term 'period of qualified non-Federal service' means any equal period of service performed by an individual that—

"(A) except for this subsection would not otherwise be service performed by an employee for purposes of subsection (a); and

"(B) was performed in a position—

"(i) the duties of which were directly related to the duties of the position in an agency that such individual holds; and

"(ii) which meets such other conditions as the Office of Personnel Management shall prescribe by regulation.

"(2) For purposes of subsection (a), the head of an agency may deem a period of qualified non-Federal service performed by an individual to be a period of service performed as an employee."

(2) EFFECTIVE DATE.—This section shall take effect 120 days after the date of enactment of this Act and shall only apply to an individual hired on or after that effective date.

(b) SENIOR EXECUTIVE SERVICE ANNUAL LEAVE ENHANCEMENTS.—

(1) IN GENERAL.—Section 6303(a) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding after paragraph (3) the following:

“(4) one day for each full biweekly pay period for an employee in a position paid under section 5376 or 5383, or for an employee in an equivalent category for which the minimum rate of basic pay is greater than the rate payable at GS-15, step 10.”.

(2) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out the amendments made by this subsection.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Paragraph (1) shall take effect 120 days after the date of enactment of this Act.

(B) REGULATIONS.—Paragraph (2) shall take effect on the date of enactment of this Act.

SA 154. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION ____—REFORM RELATING TO FEDERAL EMPLOYMENT

SEC. ____ . SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Federal Workforce Flexibility Act of 2003”.

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

DIVISION ____—REFORM RELATING TO FEDERAL EMPLOYMENT

Sec. ____ . Short title; table of contents.

TITLE I—REFORMS RELATING TO FEDERAL HUMAN CAPITAL MANAGEMENT

Sec. 101. Recruitment, relocation, and retention bonuses.

Sec. 102. Streamlined critical pay authority.

TITLE II—REFORMS RELATING TO FEDERAL EMPLOYEE CAREER DEVELOPMENT AND BENEFITS

Sec. 201. Agency training.

Sec. 202. Annual leave enhancements.

TITLE I—REFORMS RELATING TO FEDERAL HUMAN CAPITAL MANAGEMENT

SEC. 101. RECRUITMENT, RELOCATION, AND RETENTION BONUSES.

(a) BONUSES.—

(1) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by striking sections 5753 and 5754 and inserting the following:

“§ 5753. Recruitment and relocation bonuses

“(a) In this section, the term ‘employee’ has the meaning given that term under section 2105, except that such term also includes an employee described under subsection (c) of that section.

“(b)(1) The Office of Personnel Management may authorize the head of an agency to pay a bonus to an individual appointed or moved to a position that is likely to be difficult to fill in the absence of such a bonus, if the individual—

“(A)(i) is newly appointed as an employee of the Federal Government; or

“(ii) is currently employed by the Federal Government and moves to a new position in

the same geographic area under circumstances described in regulations of the Office; or

“(B) is currently employed by the Federal Government and must relocate to accept a position stationed in a different geographic area.

“(2) Except as provided by subsection (h), a bonus may be paid under this section only to an employee covered by the General Schedule pay system established under subchapter III of chapter 53.

“(c)(1) Payment of a bonus under this section shall be contingent upon the employee entering into a written service agreement to complete a period of employment with the agency, not to exceed 4 years. The Office may, by regulation, prescribe a minimum service.

“(2)(A) The agreement shall include—

“(i) the length of the required service period;

“(ii) the amount of the bonus;

“(iii) the method of payment; and

“(iv) other terms and conditions under which the bonus is payable, subject to subsections (d) and (e) and regulations of the Office.

“(B) The terms and conditions for paying a bonus, as specified in the service agreement, shall include—

“(i) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

“(ii) the effect of the termination.

“(3) The agreement shall be made effective upon employment with the agency or movement to a new position or geographic area, as applicable, except that a service agreement with respect to a recruitment bonus may be made effective at a later date under circumstances described in regulations of the Office, such as when there is an initial period of formal basic training.

“(d)(1) Except as provided in subsection (e), a bonus under this section shall not exceed 25 percent of the annual rate of basic pay of the employee at the beginning of the service period multiplied by the number of years (or fractions thereof) in the service period, not to exceed 4 years.

“(2) A bonus under this section may be paid as an initial lump sum, in installments, as a final lump sum upon the completion of the full service period, or in a combination of these forms of payment.

“(3) A bonus under this section is not part of the basic pay of an employee for any purpose.

“(4) Under regulations of the Office, a recruitment bonus under this section may be paid to an eligible individual before that individual enters on duty.

“(e) The Office may authorize the head of an agency to waive the limitation under subsection (d)(1) based on a critical agency need, subject to regulations prescribed by the Office. Under such a waiver, the amount of the bonus may be up to 50 percent of the employee’s annual rate of basic pay at the beginning of the service period multiplied by the number of years (or fractions thereof) in the service period, not to exceed 100 percent of the employee’s annual rate of basic pay at the beginning of the service period.

“(f) The Office shall require that, before paying a bonus under this section, an agency shall establish a plan for paying recruitment bonuses and a plan for paying relocation bonuses, subject to regulations prescribed by the Office.

“(g) The Office may prescribe regulations to carry out this section, including regulations relating to the repayment of a recruitment or relocation bonus in appropriate circumstances when the agreed-upon service period has not been completed.

“(h)(1) At the request of the head of an Executive agency, the Office may extend cov-

erage under this section to categories of employees within the agency who otherwise would not be covered by this section.

“(2) The Office shall not extend coverage to the head of an Executive agency, including an Executive agency headed by a board or other collegial body composed of 2 or more individual members.

“§ 5754. Retention bonuses

“(a) In this section, the term ‘employee’ has the meaning given that term under section 2105, except that such term also includes an employee described in subsection (c) of that section.

“(b) The Office of Personnel Management may authorize the head of an agency to pay a retention bonus to an employee, subject to regulations prescribed by the Office, if—

“(1) the unusually high or unique qualifications of the employee or a special need of the agency for the employee’s services makes it essential to retain the employee; and

“(2) the agency determines that, in the absence of a retention bonus, the employee would be likely to leave—

“(A) the Federal service; or

“(B) for a different position in the Federal service under conditions described in regulations of the Office.

“(c) The Office may authorize the head of an agency to pay retention bonuses to a group of employees in 1 or more categories of positions in 1 or more geographic areas, subject to the requirements of subsection (b)(1) and regulations prescribed by the Office, if there is a high risk that a significant portion of employees in the group would be likely to leave in the absence of retention bonuses.

“(d) Except as provided in subsection (j), a bonus may be paid only to an employee covered by the General Schedule pay system established under subchapter III of chapter 53.

“(e)(1) Payment of a retention bonus is contingent upon the employee entering into a written service agreement with the agency to complete a period of employment with the agency.

“(2)(A) The agreement shall include—

“(i) the length of the required service period;

“(ii) the amount of the bonus;

“(iii) the method of payment; and

“(iv) other terms and conditions under which the bonus is payable, subject to subsections (f) and (g) and regulations of the Office.

“(B) The terms and conditions for paying a bonus, as specified in the service agreement, shall include—

“(i) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

“(ii) the effect of the termination.

“(3)(A) Notwithstanding paragraph (1), a written service agreement is not required if the agency pays a retention bonus in biweekly installments and sets the installment payment at the full bonus percentage rate established for the employee with no portion of the bonus deferred.

“(B) If an agency pays a retention bonus in accordance with subparagraph (A) and makes a determination to terminate the payments, the agency shall provide written notice to the employee of that determination. Except as provided in regulations of the Office, the employee shall continue to be paid the retention bonus through the end of the pay period in which such written notice is provided.

“(4) A retention bonus for an employee may not be based on any period of such service which is the basis for a recruitment or relocation bonus under section 5753.

“(f)(1) Except as provided in subsection (g), a retention bonus, which shall be stated as a percentage of the employee’s basic pay for the service period associated with the bonus, may not exceed—

“(A) 25 percent of the employee’s basic pay if paid under subsection (b); or

“(B) 10 percent of an employee’s basic pay if paid under subsection (c).

“(2) A retention bonus may be paid to an employee in installments after completion of specified periods of service or in a single lump sum at the end of the full period of service required by the agreement. An installment payment may not exceed the product derived from multiplying the amount of basic pay earned in the installment period by a percentage not to exceed the bonus percentage rate established for the employee. If the installment payment percentage is less than the bonus percentage rate, the accrued but unpaid portion of the bonus is payable as part of the final installment payment to the employee after completion of the full service period under the terms of the service agreement.

“(3) A retention bonus is not part of the basic pay of an employee for any purpose.

“(g) Upon the request of the head of an agency, the Office may waive the limit established under subsection (f)(1) and permit the agency head to pay an otherwise eligible employee or category of employees retention bonuses of up to 50 percent of basic pay, based on a critical agency need.

“(h) The Office shall require that, before paying a bonus under this section, an agency shall establish a plan for paying retention bonuses, subject to regulations prescribed by the Office.

“(i) The Office may prescribe regulations to carry out this section.

“(j)(1) At the request of the head of an Executive agency, the Office may extend coverage under this section to categories of employees within the agency who otherwise would not be covered by this section.

“(2) The Office shall not extend coverage under this section to the head of an Executive agency, including an Executive agency headed by a board or other collegial body composed of 2 or more individual members.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by striking the item relating to section 5754 and inserting the following:

“5754. Retention bonuses.”.

(b) RELOCATION PAYMENTS.—Section 407 of the Federal Employees Pay Comparability Act of 1990 (5 U.S.C. 5305 note; 104 Stat. 1467) is repealed.

(c) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—Except as provided under paragraphs (2) and (3), this section shall take effect on the first day of the first applicable pay period beginning on or after 180 days after the date of enactment of this Act.

(2) APPLICATION TO AGREEMENTS.—A recruitment or relocation bonus service agreement that was authorized under section 5753 of title 5, United States Code, before the effective date under paragraph (1) shall continue, until its expiration, to be subject to section 5753 as in effect on the day before such effective date.

(3) APPLICATION TO ALLOWANCES.—Payment of a retention allowance that was authorized under section 5754 of title 5, United States Code, before the effective date under paragraph (1) shall continue, subject to section 5754 as in effect on the day before such effective date, until the retention allowance is reauthorized or terminated (but no longer than 1 year after such effective date).

SEC. 102. STREAMLINED CRITICAL PAY AUTHORITY.

Section 5377 of title 5, United States Code, is amended—

(1) by striking subsection (c) and inserting the following:

“(c) The Office of Personnel Management, in consultation with the Office of Management and Budget, may, upon the request of the head of an agency, grant authority to fix the rate of basic pay for 1 or more positions in such agency in accordance with this section.”;

(2) in subsection (e)(1), by striking “Office of Management and Budget” and inserting “Office of Personnel Management”;

(3) by striking subsections (f) and (g) and inserting the following:

“(f) The Office of Personnel Management may not authorize the exercise of authority under this section with respect to more than 800 positions at any 1 time, of which not more than 30 may, at any such time, be positions the rate of basic pay for which would otherwise be determined under subchapter II.

“(g) The Office of Personnel Management shall consult with the Office of Management and Budget before making any decision to grant or terminate any authority under this section.”; and

(4) in subsection (h), by striking “The Office of Management and Budget shall report to the Committee on Post Office and Civil Service” and inserting “The Office of Personnel Management shall report to the Committee on Government Reform.”.

TITLE II—REFORMS RELATING TO FEDERAL EMPLOYEE CAREER DEVELOPMENT AND BENEFITS

SEC. 201. AGENCY TRAINING.

(a) TRAINING TO ACCOMPLISH PERFORMANCE PLANS AND STRATEGIC GOALS.—Section 4103 of title 5, United States Code, is amended by adding at the end the following:

“(c) The head of each agency shall—

“(1) evaluate each program or plan established, operated, or maintained under subsection (a) with respect to accomplishing specific performance plans and strategic goals in performing the agency mission; and

“(2) modify such program or plan to accomplish such plans and goals.”.

(b) AGENCY TRAINING OFFICER; SPECIFIC TRAINING PROGRAMS.—

(1) IN GENERAL.—Chapter 41 of title 5, United States Code, is amended by adding after section 4119 the following:

“§ 4120. Agency training officer

“Each agency shall appoint or designate a training officer who shall be responsible for developing, coordinating, and administering training for the agency.

“§ 4121. Specific training programs

“In consultation with the Office of Personnel Management, each head of an agency shall establish—

“(1) a comprehensive management succession program to provide training to employees to develop managers for the agency; and

“(2) a program to provide training to managers on actions, options, and strategies a manager may use in—

“(A) relating to employees with unacceptable performances; and

“(B) mentoring employees and improving employee performance and productivity.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 5, United States Code, is amended by adding at the end the following:

“4120. Agency training officer.

“4121. Specific training programs.”.

SEC. 202. ANNUAL LEAVE ENHANCEMENTS.

(a) ACCRUAL OF LEAVE FOR NEWLY HIRED FEDERAL EMPLOYEES WITH QUALIFIED EXPERIENCE.—

(1) IN GENERAL.—Section 6303 of title 5, United States Code, is amended by adding at the end the following:

“(e)(1) In this subsection, the term ‘period of qualified non-Federal service’ means any equal period of service performed by an individual that—

“(A) except for this subsection would not otherwise be service performed by an employee for purposes of subsection (a); and

“(B) was performed in a position—

“(i) the duties of which were directly related to the duties of the position in an agency that such individual holds; and

“(ii) which meets such other conditions as the Office of Personnel Management shall prescribe by regulation.

“(2) For purposes of subsection (a), the head of an agency may deem a period of qualified non-Federal service performed by an individual to be a period of service performed as an employee.”.

(2) EFFECTIVE DATE.—This section shall take effect 120 days after the date of enactment of this Act and shall only apply to an individual hired on or after that effective date.

(b) SENIOR EXECUTIVE SERVICE ANNUAL LEAVE ENHANCEMENTS.—

(1) IN GENERAL.—Section 6303(a) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding after paragraph (3) the following:

“(4) one day for each full biweekly pay period for an employee in a position paid under section 5376 or 5383, or for an employee in an equivalent category for which the minimum rate of basic pay is greater than the rate payable at GS-15, step 10.”.

(2) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out the amendments made by this subsection.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Paragraph (1) shall take effect 120 days after the date of enactment of this Act.

(B) REGULATIONS.—Paragraph (2) shall take effect on the date of enactment of this Act.

SA 155. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 488, on line 2, strike the period after the word “accomplishment” and insert the following:

“: *Provided further*, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106-248), for fiscal year 2003, the members of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that they are engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES-1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by them in the performance of their duties, and except that Members of the Board who are officers or employees of the United States shall not receive any additional compensation by reason of service on the Board.”

SA 156. Mr. DOMENICI submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for

other purposes; which was ordered to lie on the table, as follows:

On page 489, line 8, after "Service;" add the following new proviso: "Provided further, That hazardous fuel treatment dollars in the National Fire Plan are to go to the County Partnership Restoration Program for forest restoration on the Apache-Sitgreaves National Forest in Arizona, the Lincoln National Forest in New Mexico, and the Grand Mesa, Uncompahgre and Gunnison National Forest in Colorado;"

SA 157. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 547, between lines 4 and 5, insert the following:

TITLE —TUF SHUR BIEN PRESERVATION TRUST AREA

SEC. 01. SHORT TITLE.

This title may be cited as the "T'uf Shur Bien Preservation Trust Area Act".

SEC. 02. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1748, the Pueblo of Sandia received a grant from a representative of the King of Spain, which grant was recognized and confirmed by Congress in 1858 (11 Stat. 374); and

(2) in 1994, the Pueblo filed a civil action against the Secretary of the Interior and the Secretary of Agriculture in the United States District Court for the District of Columbia (Civil No. 1:94CV02624), asserting that Federal surveys of the grant boundaries erroneously excluded certain land within the Cibola National Forest, including a portion of the Sandia Mountain Wilderness.

(b) PURPOSES.—The purposes of this title are—

(1) to establish the T'uf Shur Bien Preservation Trust Area in the Cibola National Forest;

(2) to confirm the status of national forest land and wilderness land in the Area while resolving issues associated with the civil action referred to in subsection (a)(2) and the opinions of the Solicitor of the Department of the Interior dated December 9, 1988 (M-36963; 96 I.D. 331) and January 19, 2001 (M-37002); and

(3) to provide the Pueblo, the parties to the civil action, and the public with a fair and just settlement of the Pueblo's claim.

SEC. 03. DEFINITIONS.

In this title:

(1) AREA.—

(A) IN GENERAL.—The term "Area" means the T'uf Shur Bien Preservation Trust Area, comprised of approximately 9890 acres of land in the Cibola National Forest, as depicted on the map.

(B) EXCLUSIONS.—The term "Area" does not include—

- (i) the subdivisions;
- (ii) Pueblo-owned land;
- (iii) the crest facilities; or
- (iv) the special use permit area.

(2) CREST FACILITIES.—The term "crest facilities" means—

(A) all facilities and developments located on the crest of Sandia Mountain, including the Sandia Crest Electronic Site;

(B) electronic site access roads;

(C) the Crest House;

(D) the upper terminal, restaurant, and related facilities of Sandia Peak Tram Company;

(E) the Crest Observation Area;

(F) parking lots;

(G) restrooms;

(H) the Crest Trail (Trail No. 130);

(I) hang glider launch sites;

(J) the Kiwanis cabin; and

(K) the land on which the facilities described in subparagraphs (A) through (J) are located and the land extending 100 feet along terrain to the west of each such facility, unless a different distance is agreed to in writing by the Secretary and the Pueblo and documented in the survey of the Area.

(3) EXISTING USE.—The term "existing use" means a use that—

(A) is occurring in the Area as of the date of enactment of this Act; or

(B) is authorized in the Area after November 1, 1995, but before the date of enactment of this Act.

(4) LA LUZ TRACT.—The term "La Luz tract" means the tract comprised of approximately 31 acres of land owned in fee by the Pueblo and depicted on the map.

(5) LOCAL PUBLIC BODY.—The term "local public body" means a political subdivision of the State of New Mexico (as defined in New Mexico Code 6-5-1).

(6) MAP.—The term "map" means the Forest Service map entitled "T'uf Shur Bien Preservation Trust Area" and dated April 2000.

(7) MODIFIED USE.—

(A) IN GENERAL.—The term "modified use" means an existing use that, at any time after the date of enactment of this Act, is modified or reconfigured but not significantly expanded.

(B) INCLUSIONS.—The term "modified use" includes—

- (i) a trail or trailhead being modified, such as to accommodate handicapped access;
- (ii) a parking area being reconfigured (but not expanded); and
- (iii) a special use authorization for a group recreation use being authorized for a different use area or time period.

(8) NEW USE.—

(A) IN GENERAL.—The term "new use" means—

- (i) a use that is not occurring in the Area as of the date of enactment of this Act; and
- (ii) an existing use that is being modified so as to be significantly expanded or altered in scope, dimension, or impact on the land, water, air, or wildlife resources of the Area.

(B) EXCLUSIONS.—The term "new use" does not include a use that—

- (i) is categorically excluded from documentation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or
- (ii) is carried out to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(9) PIEDRA LISA TRACT.—The term "Piedra Lisa tract" means the tract comprised of approximately 160 acres of land owned by the Pueblo and depicted on the map.

(10) PUEBLO.—The term "Pueblo" means the Pueblo of Sandia in its governmental capacity.

(11) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(12) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the Agreement of Compromise and Settlement dated April 4, 2000, among the United States, the Pueblo, and the Sandia Peak Tram Company.

(13) SPECIAL USE PERMIT.—The term "special use permit" means the Special Use Permit issued December 1, 1993, by the Secretary to Sandia Peak Tram Company and Sandia Peak Ski Company.

(14) SPECIAL USE PERMIT AREA.—

(A) IN GENERAL.—The term "special use permit area" means the land and facilities subject to the special use permit.

(B) INCLUSIONS.—The term "special use permit area" includes—

- (i) approximately 46 acres of land used as an aerial tramway corridor;
- (ii) approximately 945 acres of land used as a ski area; and
- (iii) the land and facilities described in Exhibit A to the special use permit, including—

(I) the maintenance road to the lower tram tower;

(II) water storage and water distribution facilities; and

(III) 7 helispots.

(15) SUBDIVISION.—The term "subdivision" means—

(A) the subdivision of—

- (i) Sandia Heights Addition;
- (ii) Sandia Heights North Unit I, II, or 3;
- (iii) Tierra Monte;
- (iv) Valley View Acres; or
- (v) Evergreen Hills; and

(B) any additional plat or privately-owned property depicted on the map.

(16) TRADITIONAL OR CULTURAL USE.—The term "traditional or cultural use" means—

(A) a ceremonial activity (including the placing of ceremonial materials in the Area); and

(B) the use, hunting, trapping, or gathering of plants, animals, wood, water, and other natural resources for a noncommercial purpose.

SEC. 04. TUF SHUR BIEN PRESERVATION TRUST AREA.

(a) ESTABLISHMENT.—The T'uf Shur Bien Preservation Trust Area is established within the Cibola National Forest and the Sandia Mountain Wilderness as depicted on the map—

(1) to recognize and protect in perpetuity the rights and interests of the Pueblo in and to the Area, as specified in section 05(a);

(2) to preserve in perpetuity the national forest and wilderness character of the Area; and

(3) to recognize and protect in perpetuity the longstanding use and enjoyment of the Area by the public.

(b) ADMINISTRATION AND APPLICABLE LAW.—

(1) IN GENERAL.—The Secretary shall continue to administer the Area as part of the National Forest System subject to and consistent with the provisions of this title affecting management of the Area.

(2) TRADITIONAL OR CULTURAL USES.—Traditional or cultural uses by Pueblo members and members of other federally-recognized Indian tribes authorized to use the Area by the Pueblo under section 05(a)(4) shall not be restricted except by—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; and

(B) applicable Federal wildlife protection laws, as provided in section 06(a)(2).

(3) LATER ENACTMENTS.—To the extent that any law enacted or amended after the date of enactment of this Act is inconsistent with this title, the law shall not apply to the Area unless expressly made applicable by Congress.

(4) TRUST.—The use of the word "Trust" in the name of the Area—

(A) is in recognition of the specific rights and interests of the Pueblo in the Area; and

(B) does not confer on the Pueblo the ownership interest that exists in a case in which the Secretary of the Interior accepts the title to land held in trust for the benefit of an Indian tribe.

(c) MAP.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and a legal description of the Area with the Committee on Resources of the House of Representatives and

with the Committee on Energy and Natural Resources of the Senate.

(2) **PUBLIC AVAILABILITY.**—The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(3) **EFFECT.**—The map and legal description filed under paragraph (1) shall have the same effect as if the map and legal description were included in this title, except that—

(A) technical and typographical errors shall be corrected;

(B) changes that may be necessary under subsection (b), (d), or (e) of section 09 or subsection (b) or (c) of section 13 shall be made; and

(C) to the extent that the map and the language of this title conflict, the language of this title shall control.

(d) **NO CONVEYANCE OF TITLE.**—No right, title, or interest of the United States in or to the Area or any part of the Area shall be conveyed to or exchanged with any person, trust, or governmental entity, including the Pueblo, without specific authorization of Congress.

(e) **PROHIBITED USES.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law—

(A) no use prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) as of the date of enactment of this Act shall be permitted in the wilderness portion of the Area; and

(B) none of the following uses shall be permitted in any portion of the Area:

- (i) Gaming or gambling.
- (ii) Mineral production.
- (iii) Timber production.

(iv) Any new use to which the Pueblo objects under section 05(a)(3).

(2) **MINING CLAIMS.**—The Area is closed to the location of mining claims under section 2320 of the Revised Statutes (30 U.S.C. 23) (commonly known as the “Mining Law of 1872”).

(f) **NO MODIFICATION OF BOUNDARIES.**—Establishment of the Area shall not—

(1) affect the boundaries of or repeal or disestablish the Sandia Mountain Wilderness or the Cibola National Forest; or

(2) modify the existing boundary of the Pueblo grant.

SEC. 05. PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) **IN GENERAL.**—The Pueblo shall have the following rights and interests in the Area:

(1) Free and unrestricted access to the Area for traditional or cultural uses, to the extent that those uses are not inconsistent with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; or

(B) applicable Federal wildlife protection laws as provided in section 06(a)(2).

(2) Perpetual preservation of the national forest and wilderness character of the Area under this title.

(3) Rights in the management of the Area as specified in section 07, including—

(A) the right to consent or withhold consent to a new use;

(B) the right to consultation regarding a modified use;

(C) the right to consultation regarding the management and preservation of the Area; and

(D) the right to dispute resolution procedures.

(4) Exclusive authority, in accordance with the customs and laws of the Pueblo, to administer access to the Area for traditional or cultural uses by members of the Pueblo and of other federally-recognized Indian tribes.

(5) Such other rights and interests as are recognized in sections 04, 05(c), 07, 08, and 09.

(b) **ACCESS.**—Except as provided in subsection (a)(4), access to and use of the Area for all other purposes shall continue to be administered by the Secretary.

(c) **COMPENSABLE INTEREST.**—

(1) **IN GENERAL.**—If, by an Act of Congress enacted after the date of enactment of this Act, Congress diminishes the national forest or wilderness designation of the Area by authorizing a use prohibited by section 04(e) in all or any portion of the Area, or denies the Pueblo access for any traditional or cultural use in all or any portion of the Area—

(A) the United States shall compensate the Pueblo as if the Pueblo held a fee title interest in the affected portion of the Area and as though the United States had acquired such an interest by legislative exercise of the power of eminent domain; and

(B) the restrictions of sections 04(e) and 06(a) shall be disregarded in determining just compensation owed to the Pueblo.

(2) **EFFECT.**—Any compensation made to the Pueblo under paragraph (c) shall not affect the extinguishment of claims under section 10.

SEC. 06. LIMITATIONS ON PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) **LIMITATIONS.**—The rights and interests of the Pueblo recognized in this title do not include—

(1) any right to sell, grant, lease, convey, encumber, or exchange land or any interest in land in the Area (and any such conveyance shall not have validity in law or equity);

(2) any exemption from applicable Federal wildlife protection laws;

(3) any right to engage in a use prohibited by section 04(e); or

(4) any right to exclude persons or governmental entities from the Area.

(b) **EXCEPTION.**—No person who exercises traditional or cultural use rights as authorized by section 05(a)(4) may be prosecuted for a Federal wildlife offense requiring proof of a violation of a State law (including regulations).

SEC. 07. MANAGEMENT OF THE AREA.

(a) **PROCESS.**—

(1) **IN GENERAL.**—The Secretary shall consult with the Pueblo not less than twice each year, unless otherwise mutually agreed, concerning protection, preservation, and management of the Area (including proposed new uses and modified uses in the Area and authorizations that are anticipated during the next 6 months and were approved in the preceding 6 months).

(2) **NEW USES.**—

(A) **REQUEST FOR CONSENT AFTER CONSULTATION.**—

(i) **DENIAL OF CONSENT.**—If the Pueblo denies consent for a new use within 30 days after completion of the consultation process, the Secretary shall not proceed with the new use.

(ii) **GRANTING OF CONSENT.**—If the Pueblo consents to the new use in writing or fails to respond within 30 days after completion of the consultation process, the Secretary may proceed with the notice and comment process and the environmental analysis.

(B) **FINAL REQUEST FOR CONSENT.**—

(i) **REQUEST.**—Before the Secretary (or a designee) signs a record of decision or decision notice for a proposed new use, the Secretary shall again request the consent of the Pueblo.

(ii) **DENIAL OF CONSENT.**—If the Pueblo denies consent for a new use within 30 days after receipt by the Pueblo of the proposed

record of decision or decision notice, the new use shall not be authorized.

(iii) **FAILURE TO RESPOND.**—If the Pueblo fails to respond to the consent request within 30 days after receipt of the proposed record of decision or decision notice—

(I) the Pueblo shall be deemed to have consented to the proposed record of decision or decision notice; and

(II) the Secretary may proceed to issue the final record of decision or decision notice.

(3) **PUBLIC INVOLVEMENT.**—

(A) **IN GENERAL.**—With respect to a proposed new use or modified use, the public shall be provided notice of—

(i) the purpose and need for the proposed new use or modified use;

(ii) the role of the Pueblo in the decision-making process; and

(iii) the position of the Pueblo on the proposal.

(B) **COURT CHALLENGE.**—Any person may bring a civil action in the United States District Court for the District of New Mexico to challenge a determination by the Secretary concerning whether a use constitutes a new use or a modified use.

(b) **EMERGENCIES AND EMERGENCY CLOSURE ORDERS.**—

(1) **AUTHORITY.**—The Secretary shall retain the authority of the Secretary to manage emergency situations, to—

(A) provide for public safety; and

(B) issue emergency closure orders in the Area subject to applicable law.

(2) **NOTICE.**—The Secretary shall notify the Pueblo regarding emergencies, public safety issues, and emergency closure orders as soon as practicable.

(3) **NO CONSENT.**—An action of the Secretary described in paragraph (1) shall not require the consent of the Pueblo.

(c) **DISPUTES INVOLVING FOREST SERVICE MANAGEMENT AND PUEBLO TRADITIONAL USES.**—

(1) **IN GENERAL.**—In a case in which the management of the Area by the Secretary conflicts with a traditional or cultural use, if the conflict does not pertain to a new use subject to the process specified in subsection (a)(2), the process for dispute resolution specified in this subsection shall apply.

(2) **DISPUTE RESOLUTION PROCESS.**—

(A) **IN GENERAL.**—In the case of a conflict described in paragraph (1)—

(i) the party identifying the conflict shall notify the other party in writing addressed to the Governor of the Pueblo or the Regional Forester, as appropriate, specifying the nature of the dispute; and

(ii) the Governor of the Pueblo or the Regional Forester shall attempt to resolve the dispute for a period of at least 30 days after notice has been provided before bringing a civil action in the United States District Court for the District of New Mexico.

(B) **DISPUTES REQUIRING IMMEDIATE RESOLUTION.**—In the case of a conflict that requires immediate resolution to avoid imminent, substantial, and irreparable harm—

(i) the party identifying the conflict shall notify the other party and seek to resolve the dispute within 3 days of the date of notification; and

(ii) if the parties are unable to resolve the dispute within 3 days—

(I) either party may bring a civil action for immediate relief in the United States District Court for the District of New Mexico; and

(II) the procedural requirements specified in subparagraph (A) shall not apply.

SEC. 08. JURISDICTION OVER THE AREA.

(a) **CRIMINAL JURISDICTION.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, jurisdiction over crimes committed in the Area shall be allocated as provided in this paragraph.

(2) JURISDICTION OF THE PUEBLO.—The Pueblo shall have jurisdiction over an offense committed by a member of the Pueblo or of another federally-recognized Indian tribe who is present in the Area with the permission of the Pueblo under section 05(a)(4).

(3) JURISDICTION OF THE UNITED STATES.—The United States shall have jurisdiction over—

(A) an offense described in section 1153 of title 18, United States Code, committed by a member of the Pueblo or another federally-recognized Indian tribe;

(B) an offense committed by any person in violation of the laws (including regulations) pertaining to the protection and management of national forests;

(C) enforcement of Federal criminal laws of general applicability; and

(D) any other offense committed by a member of the Pueblo against a person not a member of the Pueblo.

(4) JURISDICTION OF THE STATE OF NEW MEXICO.—The State of New Mexico shall have jurisdiction over an offense under the law of the State committed by a person not a member of the Pueblo.

(5) OVERLAPPING JURISDICTION.—To the extent that the respective allocations of jurisdiction over the Area under paragraphs (2), (3), and (4) overlap, the governments shall have concurrent jurisdiction.

(6) FEDERAL USE OF STATE LAW.—Under the jurisdiction of the United States described in paragraph (3)(D), Federal law shall incorporate any offense defined and punishable under State law that is not so defined under Federal law.

(b) CIVIL JURISDICTION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the United States, the State of New Mexico, and local public bodies shall have the same civil adjudicatory, regulatory, and taxing jurisdiction over the Area as was exercised by those entities on the day before the date of enactment of this Act.

(2) JURISDICTION OF THE PUEBLO.—

(A) IN GENERAL.—The Pueblo shall have exclusive civil adjudicatory jurisdiction over—

(i) a dispute involving only members of the Pueblo;

(ii) a civil action brought by the Pueblo against a member of the Pueblo; and

(iii) a civil action brought by the Pueblo against a member of another federally-recognized Indian tribe for a violation of an understanding between the Pueblo and the other tribe regarding use of or access to the Area for traditional or cultural uses.

(B) REGULATORY JURISDICTION.—The Pueblo shall have no regulatory jurisdiction over the Area, except that the Pueblo shall have exclusive authority to—

(i) regulate traditional or cultural uses by the members of the Pueblo and administer access to the Area by other federally-recognized Indian tribes for traditional or cultural uses, to the extent such regulation is consistent with this title; and

(ii) regulate hunting and trapping in the Area by members of the Pueblo, to the extent that the hunting or trapping is related to traditional or cultural uses, except that such hunting and trapping outside of that portion of the Area in sections 13, 14, 23, 24, and the northeast quarter of section 25 of T12N, R4E, and section 19 of T12N, R5E, N.M.P.M., Sandoval County, New Mexico, shall be regulated by the Pueblo in a manner consistent with the regulations of the State of New Mexico concerning types of weapons and proximity of hunting and trapping to trails and residences.

(C) TAXING JURISDICTION.—The Pueblo shall have no authority to impose taxes within the Area.

(3) STATE AND LOCAL TAXING JURISDICTION.—The State of New Mexico and local public bodies shall have no authority within the Area to tax the uses or the property of the Pueblo, members of the Pueblo, or members of other federally-recognized Indian tribes authorized to use the Area under section 05(a)(4).

SEC. 09. SUBDIVISIONS AND OTHER PROPERTY INTERESTS.

(a) SUBDIVISIONS.—

(1) IN GENERAL.—The subdivisions are excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the subdivisions and property interests therein, and the laws of the Pueblo shall not apply to the subdivisions.

(B) STATE JURISDICTION.—The jurisdiction of the State of New Mexico and local public bodies over the subdivisions and property interests therein shall continue in effect, except that on application of the Pueblo a tract comprised of approximately 35 contiguous, nonsubdivided acres in the northern section of Evergreen Hills owned in fee by the Pueblo at the time of enactment of this Act, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior.

(3) LIMITATIONS ON TRUST LAND.—Trust land described in paragraph (2)(B) shall be subject to all limitations on use pertaining to the Area contained in this title.

(b) PIEDRA LISA.—

(1) IN GENERAL.—The Piedra Lisa tract is excluded from the Area.

(2) DECLARATION OF TRUST TITLE.—The Piedra Lisa tract—

(A) shall be transferred to the United States;

(B) is declared to be held in trust for the Pueblo by the United States; and

(C) shall be administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this title.

(3) APPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 06(a)(4) shall not apply outside of Forest Service System trails.

(c) CREST FACILITIES.—

(1) IN GENERAL.—The land on which the crest facilities are located is excluded from the Area.

(2) JURISDICTION.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the land on which the crest facilities are located and property interests therein, and the laws of the Pueblo, shall not apply to that land. The preexisting jurisdictional status of that land shall continue in effect.

(d) SPECIAL USE PERMIT AREA.—

(1) IN GENERAL.—The land described in the special use permit is excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory, or any other form of jurisdiction, over the land described in the special use permit, and the laws of the Pueblo shall not apply to that land.

(B) PREEXISTING STATUS.—The preexisting jurisdictional status of that land shall continue in effect.

(3) AMENDMENT TO PLAN.—In the event the special use permit, during its existing term or any future terms or extensions, requires amendment to include other land in the Area necessary to realign the existing or any future replacement tram line, associated

structures, or facilities, the land subject to that amendment shall thereafter be excluded from the Area and shall have the same status under this title as the land currently described in the special use permit.

(4) LAND DEDICATED TO AERIAL TRAMWAY AND RELATED USES.—Any land dedicated to aerial tramway and related uses and associated facilities that are excluded from the special use permit through expiration, termination or the amendment process shall thereafter be included in the Area, but only after final agency action no longer subject to any appeals.

(e) LA LUZ TRACT.—

(1) IN GENERAL.—The La Luz tract now owned in fee by the Pueblo is excluded from the Area and, on application by the Pueblo, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this title.

(2) NONAPPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 06(a)(4) shall not apply outside of Forest Service System trails.

(f) EVERGREEN HILLS ACCESS.—The Secretary shall ensure that Forest Service Road 333D, as depicted on the map, is maintained in an adequate condition in accordance with section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)).

(g) PUEBLO FEE LAND.—Those properties not specifically addressed in subsections (a) or (e) that are owned in fee by the Pueblo within the subdivisions are excluded from the Area and shall be subject to the jurisdictional provisions of subsection (a).

(h) RIGHTS-OF-WAY.—

(1) ROAD RIGHTS-OF-WAY.—

(A) IN GENERAL.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the County of Bernalillo, New Mexico, in perpetuity, the following irrevocable rights-of-way for roads identified on the map in order to provide for public access to the subdivisions, the special use permit land and facilities, the other leasehold and easement rights and interests of the Sandia Peak Tram Company and its affiliates, the Sandia Heights South Subdivision, and the Area—

(i) a right-of-way for Tramway Road;

(ii) a right-of-way for Juniper Hill Road North;

(iii) a right-of-way for Juniper Hill Road South;

(iv) a right-of-way for Sandia Heights Road; and

(v) a right-of-way for Juan Tabo Canyon Road (Forest Road No. 333).

(B) CONDITIONS.—The road rights-of-way shall be subject to the following conditions:

(i) Such rights-of-way may not be expanded or otherwise modified without the Pueblo's written consent, but road maintenance to the rights-of-way shall not be subject to Pueblo consent.

(ii) The rights-of-way shall not authorize uses for any purpose other than roads without the Pueblo's written consent.

(iii) Except as provided in the Settlement Agreement, existing rights-of-way or leasehold interests and obligations held by the Sandia Peak Tram Company and its affiliates, shall be preserved, protected, and unaffected by this title.

(2) UTILITY RIGHTS-OF-WAY.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant irrevocable utility rights-of-way in perpetuity across Pueblo land to appropriate utility or other service providers serving Sandia Heights Addition,

Sandia Heights North Units I, II, and 3, the special use permit land, Tierra Monte, and Valley View Acres, including rights-of-way for natural gas, power, water, telecommunications, and cable television services. Such rights-of-way shall be within existing utility corridors as depicted on the map or, for certain water lines, as described in the existing grant of easement to the Sandia Peak Utility Company; provided that use of water line easements outside the utility corridors depicted on the map shall not be used for utility purposes other than water lines and associated facilities. Except where above-ground facilities already exist, all new utility facilities shall be installed underground unless the Pueblo agrees otherwise. To the extent that enlargement of existing utility corridors is required for any technologically-advanced telecommunication, television, or utility services, the Pueblo shall not unreasonably withhold agreement to a reasonable enlargement of the easements described above.

(3) **FOREST SERVICE RIGHTS-OF-WAY.**—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the Forest Service the following irrevocable rights-of-way in perpetuity for Forest Service trails crossing land of the Pueblo in order to provide for public access to the Area and through Pueblo land—

(A) a right-of-way for a portion of the Crest Spur Trail (Trail No. 84), crossing a portion of the La Luz tract, as identified on the map;

(B) a right-of-way for the extension of the Foothills Trail (Trail No. 365A), as identified on the map; and

(C) a right-of-way for that portion of the Piedra Lisa North-South Trail (Trail No. 135) crossing the Piedra Lisa tract.

SEC. 10. EXTINGUISHMENT OF CLAIMS.

(a) **IN GENERAL.**—Except for the rights and interests in and to the Area specifically recognized in sections 04, 05, 07, 08, and 09, all Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to land within the Area, any part thereof, and property interests therein, as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished. The United States' title to the Area is confirmed.

(b) **SUBDIVISIONS.**—Any Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to the subdivisions and property interests therein (except for land owned in fee by the Pueblo as of the date of enactment of this Act), as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished.

(c) **SPECIAL USE AND CREST FACILITIES AREAS.**—Any Pueblo right, title and interest of any kind, including aboriginal claims, and related boundary, survey, trespass, and monetary damage claims, are permanently extinguished in and to—

(1) the land described in the special use permit; and

(2) the land on which the crest facilities are located.

(d) **PUEBLO AGREEMENT.**—As provided in the Settlement Agreement, the Pueblo has agreed to the relinquishment and extinguishment of those claims, rights, titles and interests extinguished pursuant to subsection (a), (b) and (c).

(e) **CONSIDERATION.**—The recognition of the Pueblo's rights and interests in this title constitutes adequate consideration for the Pueblo's agreement to the extinguishment of the Pueblo's claims in this section and the right-of-way grants contained in section 09, and it is the intent of Congress that

those rights and interests may only be diminished by a future Act of Congress specifically authorizing diminishment of such rights, with express reference to this title.

SEC. 11. CONSTRUCTION.

(a) **STRICT CONSTRUCTION.**—This title recognizes only enumerated rights and interests, and no additional rights, interests, obligations, or duties shall be created by implication.

(b) **EXISTING RIGHTS.**—To the extent there exist within the Area as of the date of enactment of this Act any valid private property rights associated with private land that are not otherwise addressed in this title, such rights are not modified or otherwise affected by this title, nor is the exercise of any such right subject to the Pueblo's right to withhold consent to new uses in the Area as set forth in section 05(a)(3)(A).

(c) **NOT PRECEDENT.**—The provisions of this title creating certain rights and interests in the National Forest System are uniquely suited to resolve the Pueblo's claim and the geographic and societal situation involved, and shall not be construed as precedent for any other situation involving management of the National Forest System.

(d) **FISH AND WILDLIFE.**—Except as provided in section 08(b)(2)(B), nothing in this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, or trapping within the Area.

(e) **FEDERAL LAND POLICY AND MANAGEMENT ACT.**—Section 316 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1746) is amended by adding at the end the following: "Any corrections authorized by this section which affect the boundaries of, or jurisdiction over, land administered by another Federal agency shall be made only after consultation with, and the approval of, the head of such other agency."

SEC. 12. JUDICIAL REVIEW.

(a) **ENFORCEMENT.**—A civil action to enforce the provisions of this title may be brought to the extent permitted under chapter 7 of title 5, United States Code. Judicial review shall be based on the administrative record and subject to the applicable standard of review set forth in section 706 of title 5, United States Code.

(b) **WAIVER.**—A civil action may be brought against the Pueblo for declaratory judgment or injunctive relief under this title, but no money damages, including costs or attorney's fees, may be imposed on the Pueblo as a result of such judicial action.

(c) **VENUE.**—Venue for any civil action provided for in this section, as well as any civil action to contest the constitutionality of this title, shall lie only in the United States District Court for the District of New Mexico.

SEC. 13. PROVISIONS RELATING TO CONTRIBUTIONS AND LAND EXCHANGE.

(a) **CONTRIBUTIONS.**—

(1) **IN GENERAL.**—The Secretary may accept contributions from the Pueblo, or from other persons or governmental entities—

(A) to perform and complete a survey of the Area; or

(B) to carry out any other project or activity for the benefit of the Area in accordance with this title.

(2) **DEADLINE.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the survey of the Area under paragraph (1)(A).

(b) **LAND EXCHANGE.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, after consultation with the Pueblo, the Secretary shall, in accordance with applicable laws, prepare and offer a land exchange of Na-

tional Forest land outside the Area and contiguous to the northern boundary of the Pueblo's Reservation within sections 10, 11, and 14 of T12N, R4E, N.M.P.M., Sandoval County, New Mexico excluding wilderness land, for land owned by the Pueblo in the Evergreen Hills subdivision in Sandoval County contiguous to National Forest land, and the La Luz tract in Bernalillo County.

(2) **ACCEPTANCE OF PAYMENT.**—Notwithstanding section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)), the Secretary may either make or accept a cash equalization payment in excess of 25 percent of the total value of the land or interests transferred out of Federal ownership.

(3) **FUNDS RECEIVED.**—Any funds received by the Secretary as a result of the exchange shall be deposited in the fund established under the Act of December 4, 1967, known as the Sisk Act (16 U.S.C. 484a), and shall be available to purchase non-Federal land within or adjacent to the National Forests in the State of New Mexico.

(4) **TREATMENT OF LAND EXCHANGED OR CONVEYED.**—All land exchanged or conveyed to the Pueblo is declared to be held in trust for the Pueblo by the United States and added to the Pueblo's Reservation subject to all existing and outstanding rights and shall remain in its natural state and shall not be subject to commercial development of any kind. Land exchanged or conveyed to the Forest Service shall be subject to all limitations on use pertaining to the Area under this title.

(5) **FAILURE TO MAKE OFFER.**—If the land exchange offer is not made by the date that is 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, a report explaining the reasons for the failure to make the offer including an assessment of the need for any additional legislation that may be necessary for the exchange. If additional legislation is not necessary, the Secretary, consistent with this section, should proceed with the exchange pursuant to existing law.

(c) **LAND ACQUISITION AND OTHER COMPENSATION.**—

(1) **IN GENERAL.**—The Secretary may acquire land owned by the Pueblo within the Evergreen Hills Subdivision in Sandoval County or any other privately held land inside of the exterior boundaries of the Area. The boundaries of the Cibola National Forest and the Area shall be adjusted to encompass any land acquired pursuant to this section.

(2) **PIEDRA LISA TRACT.**—Subject to the availability of appropriations, the Secretary shall compensate the Pueblo for the fair market value of—

(A) the right-of-way established pursuant to section 09(h)(3)(C); and

(B) the conservation easement established by the limitations on use of the Piedra Lisa tract pursuant to section 09(b)(2).

(d) **REIMBURSEMENT OF CERTAIN COSTS.**—

(1) **IN GENERAL.**—The Pueblo, the County of Bernalillo, New Mexico, and any person that owns or has owned property inside of the exterior boundaries of the Area as designated on the map, and who has incurred actual and direct costs as a result of participating in the case of Pueblo of Sandia v. Babbitt, Civ. No. 94-2624 HHG (D.D.C.), or other proceedings directly related to resolving the issues litigated in that case, may apply for reimbursement in accordance with this section. Costs directly related to such participation which shall qualify for reimbursement shall be—

(A) dues or payments to a homeowner association for the purpose of legal representation; and

(B) legal fees and related expenses.

(2) **TREATMENT OF REIMBURSEMENT.**—Any reimbursement provided in this subsection shall be in lieu of that which might otherwise be available pursuant to the Equal Access to Justice Act (24 U.S.C. 2412).

(3) **PAYMENTS.**—The Secretary of the Treasury shall make reimbursement payments as provided in this section out of any money not otherwise appropriated.

(4) **APPLICATIONS.**—Not later than 180 days after the date of enactment of this Act, applications for reimbursement shall be filed with the Department of the Treasury, Financial Management Service, Washington, D.C.

(5) **MAXIMUM REIMBURSEMENT.**—

(A) **IN GENERAL.**—No party shall be reimbursed in excess of \$750,000 under this section, and the total amount reimbursed in accordance with this section shall not exceed \$3,000,000.

(B) **OFFSET.**—The percentage amount of each rescission provided for under section 601 of division N shall be increased by such percentage amount as is necessary to rescind an amount of funds equal to the total amount reimbursed under this section.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title, including such sums as are necessary for the Forest Service to carry out responsibilities of the Forest Service in accordance with section 13(c).

SEC. 15. EFFECTIVE DATE.

The provisions of this title shall take effect immediately on enactment of this Act.

SA 158. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 547, between lines 4 and 5, insert the following:

TITLE —TUF SHUR BIEN PRESERVATION TRUST AREA

SEC. 01. SHORT TITLE.

This title may be cited as the “Tuf Shur Bien Preservation Trust Area Act”.

SEC. 02. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds that—

(1) in 1748, the Pueblo of Sandia received a grant from a representative of the King of Spain, which grant was recognized and confirmed by Congress in 1858 (11 Stat. 374); and

(2) in 1994, the Pueblo filed a civil action against the Secretary of the Interior and the Secretary of Agriculture in the United States District Court for the District of Columbia (Civil No. 1:94CV02624), asserting that Federal surveys of the grant boundaries erroneously excluded certain land within the Cibola National Forest, including a portion of the Sandia Mountain Wilderness.

(b) **PURPOSES.**—The purposes of this title are—

(1) to establish the Tuf Shur Bien Preservation Trust Area in the Cibola National Forest;

(2) to confirm the status of national forest land and wilderness land in the Area while resolving issues associated with the civil action referred to in subsection (a)(2) and the opinions of the Solicitor of the Department of the Interior dated December 9, 1988 (M-36963; 96 I.D. 331) and January 19, 2001 (M-37002); and

(3) to provide the Pueblo, the parties to the civil action, and the public with a fair and just settlement of the Pueblo's claim.

SEC. 03. DEFINITIONS.

In this title:

(1) **AREA.**—

(A) **IN GENERAL.**—The term “Area” means the Tuf Shur Bien Preservation Trust Area, comprised of approximately 9890 acres of land in the Cibola National Forest, as depicted on the map.

(B) **EXCLUSIONS.**—The term “Area” does not include—

- (i) the subdivisions;
- (ii) Pueblo-owned land;
- (iii) the crest facilities; or
- (iv) the special use permit area.

(2) **CREST FACILITIES.**—The term “crest facilities” means—

- (A) all facilities and developments located on the crest of Sandia Mountain, including the Sandia Crest Electronic Site;
- (B) electronic site access roads;
- (C) the Crest House;
- (D) the upper terminal, restaurant, and related facilities of Sandia Peak Tram Company;
- (E) the Crest Observation Area;
- (F) parking lots;
- (G) restrooms;
- (H) the Crest Trail (Trail No. 130);
- (I) hang glider launch sites;
- (J) the Kiwanis cabin; and
- (K) the land on which the facilities described in subparagraphs (A) through (J) are located and the land extending 100 feet along terrain to the west of each such facility, unless a different distance is agreed to in writing by the Secretary and the Pueblo and documented in the survey of the Area.

(3) **EXISTING USE.**—The term “existing use” means a use that—

- (A) is occurring in the Area as of the date of enactment of this Act; or
- (B) is authorized in the Area after November 1, 1995, but before the date of enactment of this Act.

(4) **LA LUZ TRACT.**—The term “La Luz tract” means the tract comprised of approximately 31 acres of land owned in fee by the Pueblo and depicted on the map.

(5) **LOCAL PUBLIC BODY.**—The term “local public body” means a political subdivision of the State of New Mexico (as defined in New Mexico Code 6-5-1).

(6) **MAP.**—The term “map” means the Forest Service map entitled “Tuf Shur Bien Preservation Trust Area” and dated April 2000.

(7) **MODIFIED USE.**—

(A) **IN GENERAL.**—The term “modified use” means an existing use that, at any time after the date of enactment of this Act, is modified or reconfigured but not significantly expanded.

(B) **INCLUSIONS.**—The term “modified use” includes—

- (i) a trail or trailhead being modified, such as to accommodate handicapped access;
- (ii) a parking area being reconfigured (but not expanded); and
- (iii) a special use authorization for a group recreation use being authorized for a different use area or time period.

(8) **NEW USE.**—

(A) **IN GENERAL.**—The term “new use” means—

- (i) a use that is not occurring in the Area as of the date of enactment of this Act; and
- (ii) an existing use that is being modified so as to be significantly expanded or altered in scope, dimension, or impact on the land, water, air, or wildlife resources of the Area.

(B) **EXCLUSIONS.**—The term “new use” does not include a use that—

- (i) is categorically excluded from documentation requirements under the National

Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(ii) is carried out to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(9) **PIEDRA LISA TRACT.**—The term “Piedra Lisa tract” means the tract comprised of approximately 160 acres of land owned by the Pueblo and depicted on the map.

(10) **PUEBLO.**—The term “Pueblo” means the Pueblo of Sandia in its governmental capacity.

(11) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(12) **SETTLEMENT AGREEMENT.**—The term “Settlement Agreement” means the Agreement of Compromise and Settlement dated April 4, 2000, among the United States, the Pueblo, and the Sandia Peak Tram Company.

(13) **SPECIAL USE PERMIT.**—The term “special use permit” means the Special Use Permit issued December 1, 1993, by the Secretary to Sandia Peak Tram Company and Sandia Peak Ski Company

(14) **SPECIAL USE PERMIT AREA.**—

(A) **IN GENERAL.**—The term “special use permit area” means the land and facilities subject to the special use permit.

(B) **INCLUSIONS.**—The term “special use permit area” includes—

- (i) approximately 46 acres of land used as an aerial tramway corridor;
- (ii) approximately 945 acres of land used as a ski area; and
- (iii) the land and facilities described in Exhibit A to the special use permit, including—

(I) the maintenance road to the lower tram tower;

(II) water storage and water distribution facilities; and

(III) 7 helispots.

(15) **SUBDIVISION.**—The term “subdivision” means—

- (A) the subdivision of—
- (i) Sandia Heights Addition;
- (ii) Sandia Heights North Unit I, II, or 3;
- (iii) Tierra Monte;
- (iv) Valley View Acres; or
- (v) Evergreen Hills; and
- (B) any additional plat or privately-owned property depicted on the map.

(16) **TRADITIONAL OR CULTURAL USE.**—The term “traditional or cultural use” means—

(A) a ceremonial activity (including the placing of ceremonial materials in the Area); and

(B) the use, hunting, trapping, or gathering of plants, animals, wood, water, and other natural resources for a noncommercial purpose.

SEC. 04. TUF SHUR BIEN PRESERVATION TRUST AREA.

(a) **ESTABLISHMENT.**—The Tuf Shur Bien Preservation Trust Area is established within the Cibola National Forest and the Sandia Mountain Wilderness as depicted on the map—

(1) to recognize and protect in perpetuity the rights and interests of the Pueblo in and to the Area, as specified in section 05(a);

(2) to preserve in perpetuity the national forest and wilderness character of the Area; and

(3) to recognize and protect in perpetuity the longstanding use and enjoyment of the Area by the public.

(b) **ADMINISTRATION AND APPLICABLE LAW.**—

(1) **IN GENERAL.**—The Secretary shall continue to administer the Area as part of the National Forest System subject to and consistent with the provisions of this title affecting management of the Area.

(2) **TRADITIONAL OR CULTURAL USES.**—Traditional or cultural uses by Pueblo members and members of other federally-recognized Indian tribes authorized to use the Area by

the Pueblo under section ____05(a)(4) shall not be restricted except by—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; and

(B) applicable Federal wildlife protection laws, as provided in section ____06(a)(2).

(3) LATER ENACTMENTS.—To the extent that any law enacted or amended after the date of enactment of this Act is inconsistent with this title, the law shall not apply to the Area unless expressly made applicable by Congress.

(4) TRUST.—The use of the word “Trust” in the name of the Area—

(A) is in recognition of the specific rights and interests of the Pueblo in the Area; and

(B) does not confer on the Pueblo the ownership interest that exists in a case in which the Secretary of the Interior accepts the title to land held in trust for the benefit of an Indian tribe.

(c) MAP.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and a legal description of the Area with the Committee on Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate.

(2) PUBLIC AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(3) EFFECT.—The map and legal description filed under paragraph (1) shall have the same effect as if the map and legal description were included in this title, except that—

(A) technical and typographical errors shall be corrected;

(B) changes that may be necessary under subsection (b), (d), or (e) of section ____09 or subsection (b) or (c) of section ____13 shall be made; and

(C) to the extent that the map and the language of this title conflict, the language of this title shall control.

(d) NO CONVEYANCE OF TITLE.—No right, title, or interest of the United States in or to the Area or any part of the Area shall be conveyed to or exchanged with any person, trust, or governmental entity, including the Pueblo, without specific authorization of Congress.

(e) PROHIBITED USES.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) no use prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) as of the date of enactment of this Act shall be permitted in the wilderness portion of the Area; and

(B) none of the following uses shall be permitted in any portion of the Area:

(i) Gaming or gambling.

(ii) Mineral production.

(iii) Timber production.

(iv) Any new use to which the Pueblo objects under section ____05(a)(3).

(2) MINING CLAIMS.—The Area is closed to the location of mining claims under section 2320 of the Revised Statutes (30 U.S.C. 23) (commonly known as the “Mining Law of 1872”).

(f) NO MODIFICATION OF BOUNDARIES.—Establishment of the Area shall not—

(1) affect the boundaries of or repeal or disestablish the Sandia Mountain Wilderness or the Cibola National Forest; or

(2) modify the existing boundary of the Pueblo grant.

SEC. ____05. PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) IN GENERAL.—The Pueblo shall have the following rights and interests in the Area:

(1) Free and unrestricted access to the Area for traditional or cultural uses, to the

extent that those uses are not inconsistent with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; or

(B) applicable Federal wildlife protection laws as provided in section ____06(a)(2).

(2) Perpetual preservation of the national forest and wilderness character of the Area under this title.

(3) Rights in the management of the Area as specified in section ____07, including—

(A) the right to consent or withhold consent to a new use;

(B) the right to consultation regarding a modified use;

(C) the right to consultation regarding the management and preservation of the Area; and

(D) the right to dispute resolution procedures.

(4) Exclusive authority, in accordance with the customs and laws of the Pueblo, to administer access to the Area for traditional or cultural uses by members of the Pueblo and of other federally-recognized Indian tribes.

(5) Such other rights and interests as are recognized in sections ____04, ____05(c), ____07, ____08, and ____09.

(b) ACCESS.—Except as provided in subsection (a)(4), access to and use of the Area for all other purposes shall continue to be administered by the Secretary.

(c) COMPENSABLE INTEREST.—

(1) IN GENERAL.—If, by an Act of Congress enacted after the date of enactment of this Act, Congress diminishes the national forest or wilderness designation of the Area by authorizing a use prohibited by section ____04(e) in all or any portion of the Area, or denies the Pueblo access for any traditional or cultural use in all or any portion of the Area—

(A) the United States shall compensate the Pueblo as if the Pueblo held a fee title interest in the affected portion of the Area and as though the United States had acquired such an interest by legislative exercise of the power of eminent domain; and

(B) the restrictions of sections ____04(e) and ____06(a) shall be disregarded in determining just compensation owed to the Pueblo.

(2) EFFECT.—Any compensation made to the Pueblo under paragraph (c) shall not affect the extinguishment of claims under section ____10.

SEC. ____06. LIMITATIONS ON PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) LIMITATIONS.—The rights and interests of the Pueblo recognized in this title do not include—

(1) any right to sell, grant, lease, convey, encumber, or exchange land or any interest in land in the Area (and any such conveyance shall not have validity in law or equity);

(2) any exemption from applicable Federal wildlife protection laws;

(3) any right to engage in a use prohibited by section ____04(e); or

(4) any right to exclude persons or governmental entities from the Area.

(b) EXCEPTION.—No person who exercises traditional or cultural use rights as authorized by section ____05(a)(4) may be prosecuted for a Federal wildlife offense requiring proof of a violation of a State law (including regulations).

SEC. ____07. MANAGEMENT OF THE AREA.

(a) PROCESS.—

(1) IN GENERAL.—The Secretary shall consult with the Pueblo not less than twice each year, unless otherwise mutually agreed, concerning protection, preservation, and management of the Area (including proposed new

uses and modified uses in the Area and authorizations that are anticipated during the next 6 months and were approved in the preceding 6 months).

(2) NEW USES.—

(A) REQUEST FOR CONSENT AFTER CONSULTATION.—

(i) DENIAL OF CONSENT.—If the Pueblo denies consent for a new use within 30 days after completion of the consultation process, the Secretary shall not proceed with the new use.

(ii) GRANTING OF CONSENT.—If the Pueblo consents to the new use in writing or fails to respond within 30 days after completion of the consultation process, the Secretary may proceed with the notice and comment process and the environmental analysis.

(B) FINAL REQUEST FOR CONSENT.—

(i) REQUEST.—Before the Secretary (or a designee) signs a record of decision or decision notice for a proposed new use, the Secretary shall again request the consent of the Pueblo.

(ii) DENIAL OF CONSENT.—If the Pueblo denies consent for a new use within 30 days after receipt by the Pueblo of the proposed record of decision or decision notice, the new use shall not be authorized.

(iii) FAILURE TO RESPOND.—If the Pueblo fails to respond to the consent request within 30 days after receipt of the proposed record of decision or decision notice—

(I) the Pueblo shall be deemed to have consented to the proposed record of decision or decision notice; and

(II) the Secretary may proceed to issue the final record of decision or decision notice.

(3) PUBLIC INVOLVEMENT.—

(A) IN GENERAL.—With respect to a proposed new use or modified use, the public shall be provided notice of—

(i) the purpose and need for the proposed new use or modified use;

(ii) the role of the Pueblo in the decision-making process; and

(iii) the position of the Pueblo on the proposal.

(B) COURT CHALLENGE.—Any person may bring a civil action in the United States District Court for the District of New Mexico to challenge a determination by the Secretary concerning whether a use constitutes a new use or a modified use.

(b) EMERGENCIES AND EMERGENCY CLOSURE ORDERS.—

(1) AUTHORITY.—The Secretary shall retain the authority of the Secretary to manage emergency situations, to—

(A) provide for public safety; and

(B) issue emergency closure orders in the Area subject to applicable law.

(2) NOTICE.—The Secretary shall notify the Pueblo regarding emergencies, public safety issues, and emergency closure orders as soon as practicable.

(3) NO CONSENT.—An action of the Secretary described in paragraph (1) shall not require the consent of the Pueblo.

(c) DISPUTES INVOLVING FOREST SERVICE MANAGEMENT AND PUEBLO TRADITIONAL USES.—

(1) IN GENERAL.—In a case in which the management of the Area by the Secretary conflicts with a traditional or cultural use, if the conflict does not pertain to a new use subject to the process specified in subsection (a)(2), the process for dispute resolution specified in this subsection shall apply.

(2) DISPUTE RESOLUTION PROCESS.—

(A) IN GENERAL.—In the case of a conflict described in paragraph (1)—

(i) the party identifying the conflict shall notify the other party in writing addressed to the Governor of the Pueblo or the Regional Forester, as appropriate, specifying the nature of the dispute; and

(ii) the Governor of the Pueblo or the Regional Forester shall attempt to resolve the dispute for a period of at least 30 days after notice has been provided before bringing a civil action in the United States District Court for the District of New Mexico.

(B) DISPUTES REQUIRING IMMEDIATE RESOLUTION.—In the case of a conflict that requires immediate resolution to avoid imminent, substantial, and irreparable harm—

(i) the party identifying the conflict shall notify the other party and seek to resolve the dispute within 3 days of the date of notification; and

(ii) if the parties are unable to resolve the dispute within 3 days—

(I) either party may bring a civil action for immediate relief in the United States District Court for the District of New Mexico; and

(II) the procedural requirements specified in subparagraph (A) shall not apply.

SEC. 08. JURISDICTION OVER THE AREA.

(a) CRIMINAL JURISDICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, jurisdiction over crimes committed in the Area shall be allocated as provided in this paragraph.

(2) JURISDICTION OF THE PUEBLO.—The Pueblo shall have jurisdiction over an offense committed by a member of the Pueblo or of another federally-recognized Indian tribe who is present in the Area with the permission of the Pueblo under section 05(a)(4).

(3) JURISDICTION OF THE UNITED STATES.—The United States shall have jurisdiction over—

(A) an offense described in section 1153 of title 18, United States Code, committed by a member of the Pueblo or another federally-recognized Indian tribe;

(B) an offense committed by any person in violation of the laws (including regulations) pertaining to the protection and management of national forests;

(C) enforcement of Federal criminal laws of general applicability; and

(D) any other offense committed by a member of the Pueblo against a person not a member of the Pueblo.

(4) JURISDICTION OF THE STATE OF NEW MEXICO.—The State of New Mexico shall have jurisdiction over an offense under the law of the State committed by a person not a member of the Pueblo.

(5) OVERLAPPING JURISDICTION.—To the extent that the respective allocations of jurisdiction over the Area under paragraphs (2), (3), and (4) overlap, the governments shall have concurrent jurisdiction.

(6) FEDERAL USE OF STATE LAW.—Under the jurisdiction of the United States described in paragraph (3)(D), Federal law shall incorporate any offense defined and punishable under State law that is not so defined under Federal law.

(b) CIVIL JURISDICTION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the United States, the State of New Mexico, and local public bodies shall have the same civil adjudicatory, regulatory, and taxing jurisdiction over the Area as was exercised by those entities on the day before the date of enactment of this Act.

(2) JURISDICTION OF THE PUEBLO.—

(A) IN GENERAL.—The Pueblo shall have exclusive civil adjudicatory jurisdiction over—

(i) a dispute involving only members of the Pueblo;

(ii) a civil action brought by the Pueblo against a member of the Pueblo; and

(iii) a civil action brought by the Pueblo against a member of another federally-recognized Indian tribe for a violation of an understanding between the Pueblo and the other tribe regarding use of or access to the Area for traditional or cultural uses.

(B) REGULATORY JURISDICTION.—The Pueblo shall have no regulatory jurisdiction over the Area, except that the Pueblo shall have exclusive authority to—

(i) regulate traditional or cultural uses by the members of the Pueblo and administer access to the Area by other federally-recognized Indian tribes for traditional or cultural uses, to the extent such regulation is consistent with this title; and

(ii) regulate hunting and trapping in the Area by members of the Pueblo, to the extent that the hunting or trapping is related to traditional or cultural uses, except that such hunting and trapping outside of that portion of the Area in sections 13, 14, 23, 24, and the northeast quarter of section 25 of T12N, R4E, and section 19 of T12N, R5E, N.M.P.M., Sandoval County, New Mexico, shall be regulated by the Pueblo in a manner consistent with the regulations of the State of New Mexico concerning types of weapons and proximity of hunting and trapping to trails and residences.

(C) TAXING JURISDICTION.—The Pueblo shall have no authority to impose taxes within the Area.

(3) STATE AND LOCAL TAXING JURISDICTION.—The State of New Mexico and local public bodies shall have no authority within the Area to tax the uses or the property of the Pueblo, members of the Pueblo, or members of other federally-recognized Indian tribes authorized to use the Area under section 05(a)(4).

SEC. 09. SUBDIVISIONS AND OTHER PROPERTY INTERESTS.

(a) SUBDIVISIONS.—

(1) IN GENERAL.—The subdivisions are excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the subdivisions and property interests therein, and the laws of the Pueblo shall not apply to the subdivisions.

(B) STATE JURISDICTION.—The jurisdiction of the State of New Mexico and local public bodies over the subdivisions and property interests therein shall continue in effect, except that on application of the Pueblo a tract comprised of approximately 35 contiguous, nonsubdivided acres in the northern section of Evergreen Hills owned in fee by the Pueblo at the time of enactment of this Act, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior.

(3) LIMITATIONS ON TRUST LAND.—Trust land described in paragraph (2)(B) shall be subject to all limitations on use pertaining to the Area contained in this title.

(b) PIEDRA LISA.—

(1) IN GENERAL.—The Piedra Lisa tract is excluded from the Area.

(2) DECLARATION OF TRUST TITLE.—The Piedra Lisa tract—

(A) shall be transferred to the United States;

(B) is declared to be held in trust for the Pueblo by the United States; and

(C) shall be administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this title.

(3) APPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 06(a)(4) shall not apply outside of Forest Service System trails.

(c) CREST FACILITIES.—

(1) IN GENERAL.—The land on which the crest facilities are located is excluded from the Area.

(2) JURISDICTION.—The Pueblo shall have no civil or criminal jurisdiction for any pur-

pose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the land on which the crest facilities are located and property interests therein, and the laws of the Pueblo, shall not apply to that land. The preexisting jurisdictional status of that land shall continue in effect.

(d) SPECIAL USE PERMIT AREA.—

(1) IN GENERAL.—The land described in the special use permit is excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory, or any other form of jurisdiction, over the land described in the special use permit, and the laws of the Pueblo shall not apply to that land.

(B) PREEXISTING STATUS.—The preexisting jurisdictional status of that land shall continue in effect.

(3) AMENDMENT TO PLAN.—In the event the special use permit, during its existing term or any future terms or extensions, requires amendment to include other land in the Area necessary to realign the existing or any future replacement tram line, associated structures, or facilities, the land subject to that amendment shall thereafter be excluded from the Area and shall have the same status under this title as the land currently described in the special use permit.

(4) LAND DEDICATED TO AERIAL TRAMWAY AND RELATED USES.—Any land dedicated to aerial tramway and related uses and associated facilities that are excluded from the special use permit through expiration, termination or the amendment process shall thereafter be included in the Area, but only after final agency action no longer subject to any appeals.

(e) LA LUZ TRACT.—

(1) IN GENERAL.—The La Luz tract now owned in fee by the Pueblo is excluded from the Area and, on application by the Pueblo, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this title.

(2) NONAPPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 06(a)(4) shall not apply outside of Forest Service System trails.

(f) EVERGREEN HILLS ACCESS.—The Secretary shall ensure that Forest Service Road 333D, as depicted on the map, is maintained in an adequate condition in accordance with section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)).

(g) PUEBLO FEE LAND.—Those properties not specifically addressed in subsections (a) or (e) that are owned in fee by the Pueblo within the subdivisions are excluded from the Area and shall be subject to the jurisdictional provisions of subsection (a).

(h) RIGHTS-OF-WAY.—

(1) ROAD RIGHTS-OF-WAY.—

(A) IN GENERAL.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the County of Bernalillo, New Mexico, in perpetuity, the following irrevocable rights-of-way for roads identified on the map in order to provide for public access to the subdivisions, the special use permit land and facilities, the other leasehold and easement rights and interests of the Sandia Peak Tram Company and its affiliates, the Sandia Heights South Subdivision, and the Area—

(i) a right-of-way for Tramway Road;

(ii) a right-of-way for Juniper Hill Road North;

(iii) a right-of-way for Juniper Hill Road South;

(iv) a right-of-way for Sandia Heights Road; and

(v) a right-of-way for Juan Tabo Canyon Road (Forest Road No. 333).

(B) CONDITIONS.—The road rights-of-way shall be subject to the following conditions:

(i) Such rights-of-way may not be expanded or otherwise modified without the Pueblo's written consent, but road maintenance to the rights-of-way shall not be subject to Pueblo consent.

(ii) The rights-of-way shall not authorize uses for any purpose other than roads without the Pueblo's written consent.

(iii) Except as provided in the Settlement Agreement, existing rights-of-way or leasehold interests and obligations held by the Sandia Peak Tram Company and its affiliates, shall be preserved, protected, and unaffected by this title.

(2) UTILITY RIGHTS-OF-WAY.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant irrevocable utility rights-of-way in perpetuity across Pueblo land to appropriate utility or other service providers serving Sandia Heights Addition, Sandia Heights North Units I, II, and 3, the special use permit land, Tierra Monte, and Valley View Acres, including rights-of-way for natural gas, power, water, telecommunications, and cable television services. Such rights-of-way shall be within existing utility corridors as depicted on the map or, for certain water lines, as described in the existing grant of easement to the Sandia Peak Utility Company; provided that use of water line easements outside the utility corridors depicted on the map shall not be used for utility purposes other than water lines and associated facilities. Except where above-ground facilities already exist, all new utility facilities shall be installed underground unless the Pueblo agrees otherwise. To the extent that enlargement of existing utility corridors is required for any technologically-advanced telecommunication, television, or utility services, the Pueblo shall not unreasonably withhold agreement to a reasonable enlargement of the easements described above.

(3) FOREST SERVICE RIGHTS-OF-WAY.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the Forest Service the following irrevocable rights-of-way in perpetuity for Forest Service trails crossing land of the Pueblo in order to provide for public access to the Area and through Pueblo land—

(A) a right-of-way for a portion of the Crest Spur Trail (Trail No. 84), crossing a portion of the La Luz tract, as identified on the map;

(B) a right-of-way for the extension of the Foothills Trail (Trail No. 365A), as identified on the map; and

(C) a right-of-way for that portion of the Piedra Lisa North-South Trail (Trail No. 135) crossing the Piedra Lisa tract.

SEC. 10. EXTINGUISHMENT OF CLAIMS.

(a) IN GENERAL.—Except for the rights and interests in and to the Area specifically recognized in sections 04, 05, 07, 08, and 09, all Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to land within the Area, any part thereof, and property interests therein, as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished. The United States' title to the Area is confirmed.

(b) SUBDIVISIONS.—Any Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to the subdivisions and property interests therein (except for land owned in fee by the Pueblo as of the

date of enactment of this Act), as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished.

(c) SPECIAL USE AND CREST FACILITIES AREAS.—Any Pueblo right, title and interest of any kind, including aboriginal claims, and related boundary, survey, trespass, and monetary damage claims, are permanently extinguished in and to—

(1) the land described in the special use permit; and

(2) the land on which the crest facilities are located.

(d) PUEBLO AGREEMENT.—As provided in the Settlement Agreement, the Pueblo has agreed to the relinquishment and extinguishment of those claims, rights, titles and interests extinguished pursuant to subsection (a), (b) and (c).

(e) CONSIDERATION.—The recognition of the Pueblo's rights and interests in this title constitutes adequate consideration for the Pueblo's agreement to the extinguishment of the Pueblo's claims in this section and the right-of-way grants contained in section 09, and it is the intent of Congress that those rights and interests may only be diminished by a future Act of Congress specifically authorizing diminishment of such rights, with express reference to this title.

SEC. 11. CONSTRUCTION.

(a) STRICT CONSTRUCTION.—This title recognizes only enumerated rights and interests, and no additional rights, interests, obligations, or duties shall be created by implication.

(b) EXISTING RIGHTS.—To the extent there exist within the Area as of the date of enactment of this Act any valid private property rights associated with private land that are not otherwise addressed in this title, such rights are not modified or otherwise affected by this title, nor is the exercise of any such right subject to the Pueblo's right to withhold consent to new uses in the Area as set forth in section 05(a)(3)(A).

(c) NOT PRECEDENT.—The provisions of this title creating certain rights and interests in the National Forest System are uniquely suited to resolve the Pueblo's claim and the geographic and societal situation involved, and shall not be construed as precedent for any other situation involving management of the National Forest System.

(d) FISH AND WILDLIFE.—Except as provided in section 08(b)(2)(B), nothing in this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, or trapping within the Area.

(e) FEDERAL LAND POLICY AND MANAGEMENT ACT.—Section 316 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1746) is amended by adding at the end the following: "Any corrections authorized by this section which affect the boundaries of, or jurisdiction over, land administered by another Federal agency shall be made only after consultation with, and the approval of, the head of such other agency."

SEC. 12. JUDICIAL REVIEW.

(a) ENFORCEMENT.—A civil action to enforce the provisions of this title may be brought to the extent permitted under chapter 7 of title 5, United States Code. Judicial review shall be based on the administrative record and subject to the applicable standard of review set forth in section 706 of title 5, United States Code.

(b) WAIVER.—A civil action may be brought against the Pueblo for declaratory judgment or injunctive relief under this title, but no money damages, including costs or attorney's fees, may be imposed on the Pueblo as a result of such judicial action.

(c) VENUE.—Venue for any civil action provided for in this section, as well as any civil action to contest the constitutionality of this title, shall lie only in the United States District Court for the District of New Mexico.

SEC. 13. PROVISIONS RELATING TO CONTRIBUTIONS AND LAND EXCHANGE.

(a) CONTRIBUTIONS.—

(1) IN GENERAL.—The Secretary may accept contributions from the Pueblo, or from other persons or governmental entities—

(A) to perform and complete a survey of the Area; or

(B) to carry out any other project or activity for the benefit of the Area in accordance with this title.

(2) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the survey of the Area under paragraph (1)(A).

(b) LAND EXCHANGE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, after consultation with the Pueblo, the Secretary shall, in accordance with applicable laws, prepare and offer a land exchange of National Forest land outside the Area and contiguous to the northern boundary of the Pueblo's Reservation within sections 10, 11, and 14 of T12N, R4E, N.M.P.M., Sandoval County, New Mexico excluding wilderness land, for land owned by the Pueblo in the Evergreen Hills subdivision in Sandoval County contiguous to National Forest land, and the La Luz tract in Bernalillo County.

(2) ACCEPTANCE OF PAYMENT.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)), the Secretary may either make or accept a cash equalization payment in excess of 25 percent of the total value of the land or interests transferred out of Federal ownership.

(3) FUNDS RECEIVED.—Any funds received by the Secretary as a result of the exchange shall be deposited in the fund established under the Act of December 4, 1967, known as the Sisk Act (16 U.S.C. 484a), and shall be available to purchase non-Federal land within or adjacent to the National Forests in the State of New Mexico.

(4) TREATMENT OF LAND EXCHANGED OR CONVEYED.—All land exchanged or conveyed to the Pueblo is declared to be held in trust for the Pueblo by the United States and added to the Pueblo's Reservation subject to all existing and outstanding rights and shall remain in its natural state and shall not be subject to commercial development of any kind. Land exchanged or conveyed to the Forest Service shall be subject to all limitations on use pertaining to the Area under this title.

(5) FAILURE TO MAKE OFFER.—If the land exchange offer is not made by the date that is 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, a report explaining the reasons for the failure to make the offer including an assessment of the need for any additional legislation that may be necessary for the exchange. If additional legislation is not necessary, the Secretary, consistent with this section, should proceed with the exchange pursuant to existing law.

(c) LAND ACQUISITION AND OTHER COMPENSATION.—

(1) IN GENERAL.—The Secretary may acquire land owned by the Pueblo within the Evergreen Hills Subdivision in Sandoval County or any other privately held land inside of the exterior boundaries of the Area. The boundaries of the Cibola National Forest

and the Area shall be adjusted to encompass any land acquired pursuant to this section.

(2) **PIEDRA LISA TRACT.**—Subject to the availability of appropriations, the Secretary shall compensate the Pueblo for the fair market value of—

(A) the right-of-way established pursuant to section 09(h)(3)(C); and

(B) the conservation easement established by the limitations on use of the Piedra Lisa tract pursuant to section 09(b)(2).

(d) **REIMBURSEMENT OF CERTAIN COSTS.**—

(1) **IN GENERAL.**—The Pueblo, the County of Bernalillo, New Mexico, and any person that owns or has owned property inside of the exterior boundaries of the Area as designated on the map, and who has incurred actual and direct costs as a result of participating in the case of Pueblo of Sandia v. Babbitt, Civ. No. 94-2624 HHG (D.D.C.), or other proceedings directly related to resolving the issues litigated in that case, may apply for reimbursement in accordance with this section. Costs directly related to such participation which shall qualify for reimbursement shall be—

(A) dues or payments to a homeowner association for the purpose of legal representation; and

(B) legal fees and related expenses.

(2) **TREATMENT OF REIMBURSEMENT.**—Any reimbursement provided in this subsection shall be in lieu of that which might otherwise be available pursuant to the Equal Access to Justice Act (24 U.S.C. 2412).

(3) **PAYMENTS.**—The Secretary of the Treasury shall make reimbursement payments as provided in this section out of any money not otherwise appropriated as provided in advance in appropriations acts.

(4) **APPLICATIONS.**—Not later than 180 days after the date of enactment of this Act, applications for reimbursement shall be filed with the Department of the Treasury, Financial Management Service, Washington, D.C.

(5) **MAXIMUM REIMBURSEMENT.**—

(A) **IN GENERAL.**—No party shall be reimbursed in excess of \$750,000 under this section, and the total amount reimbursed in accordance with this section shall not exceed \$3,000,000.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title, including such sums as are necessary for the Forest Service to carry out responsibilities of the Forest Service in accordance with section 13(c).

SEC. 15. EFFECTIVE DATE.

The provisions of this title shall take effect immediately on enactment of this Act.

SA 159 Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 237, at the end of line 15, insert the following: “Such amount shall be made available as a direct lump sum payment to the Alaska Fisheries Marketing Board (hereinafter ‘Board’) which is hereby established to award grants to market, develop, and promote Alaska seafood and improve related technology and transportation with emphasis on wild salmon, of which 20 percent shall be transferred to the Alaska Seafood Marketing Institute. The Board shall be transferred to the Alaska Seafood Marketing Institute. The Board shall be appointed by the Secretary of Commerce and shall be administered by an Executive Director to be appointed by the Secretary. The Board shall

submit an annual report to the Secretary detailing the expenditures of the board.”

SA 160. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table, as follows:

On page 183, line 25, insert the following after “contributions.”: “Such amounts shall be subject only to conditions and requirements required by the Maritime Administration.”

SA 161. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 295 at the end of line 24 insert the following new section:

“Sec. 3XX. None of the funds appropriated by this or any other Act may be used to defer, deobligate, withdraw to headquarters, reserve for contemplated future rescissions, or otherwise adversely affect the planned and continuing expenditure of funds previously made available for Cerro Grande Fire Activities in P.L. 106-246 and P.L. 106-377.”

SA 162. Mr. FITZGERALD (for himself, Mrs. CLINTON, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 335, line 10, before the period at the end of the line insert the following: “Provided further, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement”.

SA 163. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 741.

SA 164. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. 641. MODIFICATION OF FUNDING REQUIREMENTS FOR CERTAIN PLANS.

(a) **FUNDING RULES FOR CERTAIN PLANS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974, the minimum funding rules under paragraph (2) shall apply for any plan year beginning after December 31, 2002, in the case of a defined benefit plan which—

(A) was established by an air carrier which was granted a conditional loan guarantee by the Air Transport Stabilization Board on July 10, 2002, and which filed for protection under chapter 11 of title 11, United States Code, on August 11, 2002, and

(B) is maintained for the benefit of such carrier's employees pursuant to a collective bargaining agreement.

(2) **SPECIAL FUNDING RULE.**—

(A) **IN GENERAL.**—In the case of a plan described in paragraph (1), the minimum funding requirements under this paragraph shall be the requirements set forth in Treasury Regulation section 1.412(c)(1)-3 (as in effect on the date of the enactment of this section).

(B) **RULES OF SPECIAL APPLICATION.**—In applying the requirements of Treasury Regulation section 1.412(c)(1)-3 for purposes of paragraph (1)—

(i) the plan shall be treated as having met the requirements of Treasury Regulation section 1.412(c)(1)-3(a)(2),

(ii) the payment schedules shall be determined—

(I) by using the maximum amortization period permitted under section 1.412(c)(1)-3, and

(II) on the basis of the actuarial valuation of the accrued liability and the current liability of the plan as of January 1, 2003, less the actuarial value of the plan assets on that date,

(iii) the payments under a restoration payment schedule shall be made in level amounts over the payment period, and

(iv) the actuarial value of assets shall be the fair market value of such assets as of January 1, 2003, with prospective investment returns in excess of or less than the assumed return phased in over 5 years.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

SA 165. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 641, line 10, insert “President Pro Tempore emeritus, \$7,500;” before “Chairmen of the Majority and Minority Conference Committees”.

On page 641, line 13, strike “\$120,000” and insert “\$127,500”.

On page 641, line 22, strike “\$116,891,000” and insert “\$117,041,000”.

On page 642, between lines 3 and 4, insert:

OFFICE OF THE PRESIDENT PRO TEMPORE
EMERITUS

For the Office of the President Pro Tempore emeritus, \$150,000.

On page 645, line 2, strike “\$18,513,000” and insert “\$18,355,500”.

On page 650, between lines 23 and 24, insert:
SEC. 8. OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS OF THE SENATE.

(a) **ESTABLISHMENT.**—There is established the Office of the President pro tempore emeritus of the Senate.

(b) **DESIGNATION.**—Any Member of the Senate who—

(1) is designated by the Senate as the President pro tempore emeritus of the United States Senate; and

(2) is serving as a Member of the Senate, shall be the President pro tempore emeritus of the United States Senate.

(c) **APPOINTMENT AND COMPENSATION OF EMPLOYEES.**—The President pro tempore emeritus is authorized to appoint and fix the compensation of such employees as the President

pro tempore emeritus determines appropriate.

(d) **EXPENSE ALLOWANCE.**—There is authorized an expense allowance for the President pro tempore emeritus which shall not exceed \$7,500 each fiscal year. The President pro tempore emeritus may receive the expense allowance (1) as reimbursement for actual expenses incurred upon certification and documentation of such expenses by the President pro tempore emeritus, or (2) in equal monthly payments. Such amounts paid to the President pro tempore emeritus as reimbursement of actual expenses incurred upon certification and documentation under this subsection, shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction under the Internal Revenue Code of 1986.

(e) **EFFECTIVE DATE.**—This section shall take effect on the date of enactment of this Act and shall apply only with respect to the 108th Congress.

SA 166. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 713, strike line 23 and all that follows through page 714, line 3, and insert the following:

SEC. 209. UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION.

(a) **APPROPRIATIONS.**—There are appropriated, out of any funds in the Treasury not otherwise appropriated, \$1,800,000, to remain available until expended, to the United States-China Economic and Security Review Commission.

(b) **NAME CHANGE.**—

(1) **IN GENERAL.**—Section 1238 of the Floyd D. Spence National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended—

(A) in the section heading by inserting “**ECONOMIC AND**” before “**SECURITY**”;

(B) in subsection (a)—

(i) in paragraph (1), by inserting “Economic and” before “Security”; and

(ii) in paragraph (2), by inserting “Economic and” before “Security”;

(C) in subsection (b)—

(i) in the subsection heading, by inserting “ECONOMIC AND” before “SECURITY”;

(ii) in paragraph (1), by inserting “Economic and” before “Security”;

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by inserting “Economic and” before “Security”; and

(II) in subparagraph (H), by inserting “Economic and” before “Security”; and

(iv) in paragraph (4), by inserting “Economic and” before “Security” each place it appears; and

(D) in subsection (e)—

(i) in paragraph (1), by inserting “Economic and” before “Security”;

(ii) in paragraph (2), by inserting “Economic and” before “Security”;

(iii) in paragraph (3)—

(I) in the first sentence, by inserting “Economic and” before “Security”; and

(II) in the second sentence, by inserting “Economic and” before “Security”;

(iv) in paragraph (4), by inserting “Economic and” before “Security”; and

(v) in paragraph (6), by inserting “Economic and” before “Security” each place it appears.

(2) **REFERENCES.**—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the United States-China Security Review Commission shall be

deemed to refer to the United States-China Economic and Security Review Commission.

(c) **MEMBERSHIP AND TERMS.**—

(1) **IN GENERAL.**—Section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended—

(A) in the matter preceding subparagraph (A), by striking “12 members” and inserting “8 members”; and

(B) by striking subparagraph (F) and inserting the following:

“(F) each appointing authority referred to under subparagraphs (A) through (D) of this paragraph shall—

“(i) appoint 2 members to the Commission;

“(ii) make the 2 appointments with respect to the 108th Congress on a staggered term basis, such that—

“(I) 1 appointment shall be for a term expiring on December 31, 2003; and

“(II) 1 appointment shall be for a term expiring on December 31, 2004;

“(iii) make all appointments with respect to the 109th Congress, and each subsequent Congress, on an approximate 2-year term basis to expire on December 31 of the applicable year; and

“(iv) make appointments not later than 30 days after the date on which each new Congress convenes.”.

(2) **EFFECTIVE DATE.**—This subsection shall take effect on the date of enactment of this Act.

SA 167. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . TREATMENT OF ABANDONED MINE RECLAMATION FUND INTEREST.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, any interest credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) shall be transferred to the Combined Fund identified in section 402(h)(2) of such Act (30 U.S.C. 1232(h)(2)), up to such amount as is estimated by the trustees of such Combined Fund to offset the amount of any deficit in net assets in the Combined Fund.

(b) **PROHIBITION ON OTHER TRANSFERS.**—Except as provided in subsection (a), no principal amounts in or credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) may be transferred to the Combined Fund identified in section 402(h)(2) of such Act (30 U.S.C. 1232(h)(2)).

(c) **LIMITATION.**—This section shall cease to have any force and effect after September 30, 2004.

SA 168. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES

EMERGENCY FUND

For additional amounts for grants to state and local health departments to support activities related to immunizing first responders against smallpox, \$850,000,000: *Provided,*

That this amount is transferred to the Centers for Disease Control and Prevention.

SA 169. Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the joint resolution insert the following:

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$363,000,000, to remain available until expended, only for the Entry Exit System, to be managed by the Justice Management Division: *Provided,* That none of the funds appropriated in this Act, or in Public Law 107-117, for the Immigration and Naturalization Service’s Entry Exist System may be obligated until the INS submits a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A-11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Provided further,* That funds provided under this heading shall only be available for obligation and expenditure in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of Public Law 107-77.

SA 170. Mr. BYRD submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the joint resolution insert the following:

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for “Weapons Activities” for emergency expenses, \$150,000,000: *Provided,* That \$25,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further,* That \$35,000,000 shall be available for construction and renovation activities at the National Center for Combating Terrorism: *Provided further,* That \$90,000,000 of the funds provided shall be available to meet increased safeguard and security needs throughout the nuclear weapons complex, including at least \$25,000,000 for cyber security.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

OTHER DEFENSE ACTIVITIES

For an additional amount for “Other Defense Activities” for emergency expenses needed to conduct critical infrastructure assessments at critical energy supply facilities nationwide, \$50,000,000, to remain available until expended: *Provided,* That \$25,000,000 of the funds made available shall be provided to the National Infrastructure Simulation and Analysis Center: *Provided further,* That \$25,000,000 of the funds made available shall be provided to the National Energy Technology Laboratory.

SA 171. Mr. BYRD submitted an amendment intended to be proposed by

him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the joint resolution insert the following:

DIVISION —HOMELAND SECURITY
SUPPLEMENTAL APPROPRIATIONS
DEPARTMENT OF TRANSPORTATION
TRANSPORTATION SECURITY ADMINISTRATION
SALARIES AND EXPENSES

For additional amounts for necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107-71, \$620,000,000, to remain available until September 30, 2004, of which \$500,000,000 shall be available for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, and \$120,000,000 shall be available for Operation Safe Commerce.

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$47,000,000 for the Container Security Initiative.

SA 172. Ms. LANDRIEU (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 397, line 12, delete all after "Fund"; "through opportunities" on line 17, and insert in lieu thereof:

not less than \$8,000,000 shall be made available for programs to support women's development in Afghanistan, including girl's and women's education, health, legal and social rights, economic opportunities, and political participation: Provided further, That of the funds provided in the previous proviso, \$5,000,000 shall be made available to support activities directed by Afghan Ministry of Women's Affairs including the establishment of women's resource centers throughout Afghanistan, and not less than \$1,500,000 should be made available to support activities of the National Human Rights Commission of Afghanistan: Provided further, That one year after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that details women's development programs in Afghanistan supported by the United States Government, and barriers that impede the development of women in Afghanistan

SA 173. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 14, insert before the period the following: "Provided further, That notwithstanding any other provision of this Act, the amount, excluding the amount of user fees appropriated, that is appropriated for devices and radiological products under the salaries and expenses account of the Food and Drug Administration is increased to \$205,720,000: Provided further, That amounts made available under this Act for the admin-

istrative and related expenses for departmental management for the Department of Health and Human Services shall be reduced on pro rata basis by the amount necessary to increase such amount to \$205,720,000".

SA 174. Mr. AKAKA (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS ON PAY PARITY.—It is the sense of Congress that there should be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States, including blue collar Federal employees paid under the Federal Wage system.

SA 175. Mr. SCHUMER submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, line 1, strike "\$3,927,587,000" and insert "\$4,202,587,000 (which amount shall not be subject to reduction by any other provision of this Act, including section 601)".

On page 99, line 17, strike "\$1,368,415,000" and insert "\$1,827,715,000 (which amount shall not be subject to reduction by any other provision of this Act, including section 601)".

On page 105, line 19, before the period, insert the following: "Provided further, That, notwithstanding any other provision of this Act, including section 601, the total amount appropriated under this heading for the Weed and Seed Program Fund shall not be reduced".

On page 106, line 12, before the period, insert the following: "Provided further, That, notwithstanding any other provision of this Act, including section 601, the total amount appropriated under this heading for Community Oriented Policing Services shall not be reduced".

On page 111, line 20, before the period, insert the following: "Provided further, That, notwithstanding any other provision of this Act, including section 601, the total amount appropriated under this heading for the Juvenile Justice Programs shall not be reduced".

SA 176. Mr. SCHUMER (for himself, Mr. GRAHAM of Florida, Mr. KENNEDY, Mr. REID, Mrs. CLINTON, Mr. JOHNSON, Mr. CONRAD, Mr. KERRY, Mr. DASCHLE, Mr. JEFFORDS, Ms. LANDRIEU, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 898, before the period at the end of line 21, insert the following: "Provided further, That, notwithstanding any other provision of this Act, the total amount appropriated for fiscal year 2003 for the Veterans Health Administration for medical care is \$23,889,304,000".

SA 177. Mr. SCHUMER (for himself, Ms. MIKULSKI, Mr. SMITH, Mr. KEN-

NEDY, Mr. SARBANES, Mrs. MURRAY, Mr. LAUTENBERG, Ms. CANTWELL, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division G, insert the following:

SEC. . (a) IN GENERAL.—In addition to amounts otherwise appropriated under this Act to carry out programs and activities under title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.), there are appropriated an additional—

(1) \$33,500,000 to carry out part A of such title XXVI (42 U.S.C. 300ff-11 et seq.);

(2) \$32,400,000 to carry out part B of such title XXVI (42 U.S.C. 300ff-21 et seq.);

(3) \$62,000,000 to carry out State AIDS Drug Assistance Programs under section 2616 of such title XXVI (42 U.S.C. 300ff-26);

(4) \$8,300,000 to carry out part C of such title XXVI (42 U.S.C. 300ff-51 et seq.);

(5) \$15,000,000 to carry out part D of such title XXVI (42 U.S.C. 300ff-71 et seq.);

(6) \$9,705,000 to carry out section 2692(a) of such title XXVI (42 U.S.C. 300ff-111(a)); and

(7) \$3,500,000 to carry out section 2692(b) of such title XXVI (42 U.S.C. 300ff-111(b)).

(b) REDUCTION IN ADMINISTRATIVE ACCOUNTS.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Health and Human Services shall be reduced on pro rata basis by \$164,405,000.

SA 178. Mr. NELSON of Florida (for himself, Mr. DASCHLE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . In addition to amounts appropriated by this Act under the heading "Public Law 480 Title II Grants", there is appropriated, out of funds in the Treasury not otherwise appropriated, \$600,000,000 for assistance for emergency relief activities: Provided, That the amount appropriated under this section shall remain available through September 30, 2004.

SA 179. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 29 line 11 strike the period and insert the following:

: Provided,
(a) Whereas, the Commodity Credit Corporation (CCC) is a Government owned and operated entity that was created to stabilize, support, and protect farm income and prices;

(b) Whereas, CCC was incorporated on October 17, 1933, under a Delaware charter. On July 1, 1939, CCC was transferred to the United States Department of Agriculture (USDA). It was reincorporated on July 1, 1948, as a Federal corporation within USDA by the Commodity Credit Corporation Charter Act (62 Stat. 1070; 15 U.S.C. 174);

(c) Whereas, the mission of the CCC has expanded over time:

(1) Pursuant to section 2701 of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171), the officer and directors of CCC have a responsibility to use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out the conservation reserve program (CRP); the wetlands reserve program (WRP); the conservation security program (CSP); the grassland reserve program (GRP); the environmental quality incentives program (EQIP); and the wildlife habitat incentives program (WHIP), including the provision of technical assistance; and

(2) Pursuant to section 1601 of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) the officers and directors of CCC have a responsibility to use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out Title I of the Act;

(d) Whereas, CCC is managed by a Board of Directors, subject to the general supervision and direction of the Secretary of Agriculture, who is an ex-officio director and chairperson of the Board. The Board consists of seven members, in addition to the Secretary, who are appointed by the President of the United States by and with the advice and consent of the Senate. All members of the Board and Corporation officers are USDA officials;

(e) Whereas, CCC has in the past requested other agencies to assist it in the conduct of its business and reimbursed them for their administrative expenses under the authority granted to it by section 11 of the CCC Charter Act. For example:

(1) CCC's price support, storage, and reserve programs, and its domestic acquisition and disposal activities have been carried out primarily through the personnel and facilities of the Farm Service Agency (FSA).

(2) The Agricultural Marketing Service (AMS) occasionally uses CCC authority to acquire various commodities for domestic and foreign food assistance programs.

(3) Export sales and foreign assistance disposal of CCC-controlled stocks have been administered through the General Sales Manager of the Foreign Agricultural Service (FAS).

(4) The Natural Resources Conservation Service has administered several conservation programs under the auspices of CCC;

(f) Whereas, in 1996 section 11 of the CCC Charter Act was amended to limit reimbursements by CCC to other agencies in the performance of any part or all of the functions of the CCC;

(g) Whereas, section 10 of the CCC Charter Act mandates that the Secretary appoint such officers and employees of the CCC as may be necessary for the conduct of business of the Corporation. Expenditures of the Corporation under this section are not subject to the section 11 cap on reimbursements to other agencies;

(h) The Secretary is directed to exercise her authority under section 10 of the CCC Charter Act and appoint such officers and employees of the CCC as may be necessary for the conduct of business of the Corporation if the Secretary determines that the total amount of funds available under section 11 of the CCC Charter Act are not sufficient to allow other agencies to carry out the functions of the CCC.

SA 180. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1027, strike line 6 and all that follows through page 1032, line 8.

SA 181. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: "No funds appropriated under this Act may be used in a manner inconsistent with Executive Orders 12873, 13101, 13123, 13148, 13149, and 13221."

SA 182. Mr. Kennedy submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 14, insert before the period the following: "Provided further, That an additional \$7,866,000 shall be appropriated for the Food and Drug Administration and shall be made available for the review of medical devices, and such amount shall be in addition to any other amounts appropriated in this Act for such activities: *Provided further*, that amounts made available under this Act for the administrative and related expenses for departmental management of the Department of Agriculture shall be reduced on pro rata basis by \$7,866,000".

SA 183. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 14, insert before the period the following: "Provided further, That an additional \$7,866,000 shall be appropriated for the Food and Drug Administration and shall be made available for the review of medical devices, and such amount shall be in addition to any other amounts appropriated in this Act for such activities: *Provided further*, that amounts made available under this Act for the administrative and related expenses for departmental management of the Department of Health and Human Services shall be reduced on pro rata basis by \$7,866,000".

SA 184. Mr. KENNEDY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 14, insert before the period the following: "Provided further, That an additional \$13,603,766 shall be appropriated for the Food and Drug Administration and shall be made available for the review of medical devices, and such amount shall be in addition to any other amounts appropriated in this Act for such activities: *Provided further*, that amounts made available under this Act for the administrative and related expenses for departmental management of the Department of Agriculture shall be reduced on pro rata basis by \$13,603,766".

SA 185. Mr. BOND submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations by the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 988, after line 23, insert the following provision:

"The Environmental Protection Agency is directed to submit a report no later than February 15, 2004 on the practices and procedures by which States develop separate emission standards, including standards for nonroad engines or vehicles, as compared to the development by Environmental Protection Agency of national emission standards under the Clean Air Act. This report shall include an assessment of the procedures, practices, standards and requirements used by States as opposed to those used by Environmental Protection Agency, including how States and the Environmental Protection Agency take into account technological feasibility, economic feasibility, impact on the economy, costs, safety, noise and energy factors associated in the development of these standards."

SA 186. Mr. BOND submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, between lines 8 and 9, insert the following:

SEC. 1. MISSOURI RIVER.

None of the funds made available by this Act may be used by the United States Fish and Wildlife Service—

(1) to require the Corps of Engineers to implement a steady release flow schedule for the Missouri River; or

(2) to prevent the Corps of Engineers from relocating bird nests along the Missouri River.

SA 187. Mr. LEAHY submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 308, line 10, strike "supports or" and "the management of a program of"

On page 347, line 4, after the colon, insert: *Provided further*, That of the funds appropriated under this heading, not less than \$35,000,000 shall be made available for the United Nations Populations Fund:

On page 347, line 7, strike "if" and insert in lieu thereof:

unless
On page 347, line 8, strike "no longer supports or"

On page 347, line 9, strike "the management of a program of"

On page 365, line 4, before the period insert the following:

Provided further, That of the funds appropriated under title II of this Act, not less than \$435,000,000 shall be made available for family planning/reproductive health"

On page 424, line 13, insert the following new section:

REQUIREMENTS RELATED TO PRIVATE ORGANIZATIONS

SEC. 585. Notwithstanding any other provisions of law, regulation, or policy, in determining eligibility for assistance authorized under part I or the Foreign Assistance Act of 1961, foreign private organizations shall be subject to only those requirements relating to the use of non-United States Government funds for advocacy and lobbying activities that apply to United States private organizations receiving assistance under part I of such Act.

SA 188. Mr. DODD submitted an amendment intended to be proposed by

him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 589, line 17, strike “\$8,648,884,000” and insert “\$8,848,884,000”.

On page 589, line 23, strike “\$6,667,533,000” and insert “\$6,867,533,000”.

SA 189. Mr. INOUE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 3 and 4, insert the following:

SEC. 7. NEW ELECTRIC UTILITY ENTITIES SERVING EXTREMELY HIGH-COST COMMUNITIES.

(a) IN GENERAL.—Section 19 of the Rural Electrification Act of 193 (7 U.S.C. 918a) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b) ACQUISITION BY CONSUMER-OWNED ENTITIES OF ASSETS OF AN ELECTRIC UTILITY.—A consumer-owned entity that acquires the assets of an electric utility providing electricity to residential customers at a rate exceeding 18 cents per kilowatt hour shall be eligible to receive a grant under subsection (a) for the purposes of—

“(1) paying any transaction, transition, or other organizational costs associated with the acquisition; and

“(2) if the Secretary determines that relocation and refurbishment of any generation asset of the electric utility will enhance efforts to reduce overall electric costs in the community served, paying the costs of relocation and refurbishment.”.

(b) APPLICABILITY OF AMENDMENT.—The amendment made by subsection (a) applies to a consumer-owned entity that acquires the assets of an electric utility on or after the date that is 2 years before the date of enactment of this Act.

SA 190. Mrs. BOXER, (for herself and Mr. DORGAN) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SALARIES.

No funds shall be used to pay any federal employee or any employee, member or chairperson of any federal commission, board, committee, or council an annual salary in excess of the annual salary of the President of the United States.

SA 191. Mr. BREAUX (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1051, line 7, strike “access.” and insert “access; and

“(3) \$3,000,000 shall be made available to the oyster industry in the State of Louisiana

for economic assistance to the oyster fishery affected by Hurricane Isidore, and Hurricane Lili: *Provided*, That such funds may be used only for (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs; (B) assistance for small businesses including oystermen, oyster processors, and related businesses serving the oyster industry; (C) domestic product marketing and seafood promotion; and (D) State seafood testing programs.

SA 192. Mr. LAUTENBERG (for himself, Mrs. BOXER, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 982, strike lines 21 through 25 and insert the following:

per project; \$1,500,000,000, to remain available until expended, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499; 100 Stat. 1613),

SA 193. Mr. JEFFORDS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 260, line 9, before the colon, insert the following: “, and that the Corps of Engineers shall bear full responsibility for correcting any design deficiencies of Waterbury Dam”.

SA 194. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, line 12, strike “\$257,886,000” and insert “\$317,213,000”.

SA 195. Mr. DAYTON submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of Division G, insert the following:

SEC. . FULLY FUNDING IDEA.

(a) FULLY FUNDING IDEA.—Notwithstanding any other provision of this Act, the total amount appropriated for fiscal year 2003 (out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003) to carry out part B of the Individuals with Disabilities Education Act, other than section 619 of such Act, shall be the greater of—

(1) \$19,204,246,000; or

(2) the amount necessary to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act, other than section 619 of such Act.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available through September 30, 2004.

(c) ACROSS-THE-BOARD RESCISSION.—Notwithstanding any other provision of this Act,

funds provided under subsection (a) shall not result in a further across-the-board rescission under section 601 of Division N.

SA. 196. Mr. DAYTON submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of law, with respect to any State that is operating under a waiver described in section 415(a) of the Social Security Act (42 U.S.C. 615(a)) which would otherwise expire on a date that occurs during the period that begins on September 30, 2002 (or in the case of New Hampshire, March 31, 2002), and ends on September 30, 2003, the State may elect to continue to operate under that waiver, on the same terms and conditions as applied to the waiver on the day before such date, through September 30, 2003.

SA. 197. Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. KERRY, Mrs. BOXER, Mr. LIBERMAN, Mr. LEAHY, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1014, between lines 13 and 14, insert the following:

SEC. 4. REGULATIONS TO CONTROL HAZARDOUS AIR POLLUTANTS FROM MOTOR VEHICLES AND MOTOR VEHICLE FUELS.

Not later than July 1, 2004, the Administrator of the Environmental Protection Agency shall promulgate final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels, as provided for in section 80.1045 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act).

SA. 198. Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. KERRY, Mrs. BOXER, Mr. LIBERMAN, Mr. LEAHY, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1014, between lines 13 and 14, insert the following:

SEC. 4. NEW SOURCE REVIEW PROGRAM.

Not later than February 15, 2003, the Environmental Protection Agency, the Department of Energy, and the Department of Justice shall each satisfy all information requests relating to the new source review program under section 111 and parts C and D of title I of the Clean Air Act (42 U.S.C. 7411, 7470 et seq.) made in 2001 or 2002—

(1) by the Committee on Environment and Public Works, the Committee on the Judiciary, or the Committee on Health, Education, Labor, and Pensions of the Senate, or a member of any of those Committees; or

(2) by the General Accounting Office on behalf of any of those Committees or a member of any of those Committees;

through the provision of copies of the requested documents, analyses, electronic mail, or document logs to the requesting

Committee or member or to the General Accounting Office.

SA 199. Mr. DURBIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 257, on line 15, strike "that action." and insert "that action, except that this limitation on attorneys' fees paid by the District of Columbia shall not apply if the plaintiff is a child who is (a) from a family with an annual income of less than \$17,600; or (b) from a family where one of the parents or guardians is a disabled veteran; or (c) where the child has been adjudicated as neglected, delinquent, in need of supervision, abused, or is a ward of the District of Columbia; or (d) from a family where one of the parents or guardians is on active duty with the Armed Services of the United States or the National Guard; or (e) from a family for which the primary custodian is over the age of 65; or (f) from a family where one of the parents or guardians is a firefighter or law enforcement officer."

SA 200. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Before the period at the end of the undesignated paragraph under the heading "International Military Education and Training", insert the following: "Provided further, That funds made available under this heading for Indonesian military personnel shall be available only for "Expanded International Military Education and Training" assistance, unless the President determines and reports to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are (1) demonstrating a commitment to assist United States efforts to combat international terrorism, including United States interdiction efforts against al-Qaida and other terrorist organizations, and taking effective measures to bring to justice those responsible for the October 13, 2002, terrorist attack on Bali, which killed United States citizens, and (2) taking effective measures, including cooperating with the Federal Bureau of Investigation, to bring to justice any member of the Indonesian Armed Forces or Indonesian militia group against whom there is credible evidence of involvement in the August 31, 2002, attack, which resulted in the deaths of United States citizens, and in other gross violations of human rights: *Provided further*, That nothing in the preceding proviso prohibits the United States from conducting ongoing contacts and training with the Indonesian Armed Forces, including sales of non-lethal defense articles, counterterrorism training, officer visits, port visits, educational exchanges, or Expanded International Military Educational and Training for military officers and civilians".

SA 201. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 450, line 2 strike "restoration:" and insert the following:

"restoration; and with the funds provided in this title, the Secretary shall release a plan for assisting states, federal agencies and tribes in managing chronic wasting disease in wild and captive cervids within 90 days of enactment of this Act."

SA 202. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 443, line 3, strike "projects:" and insert the following:

"projects; and of which \$500,000 of the funds provided to the National Park Service for resource stewardship activities is for work with the U.S. Geological Survey to refine a chronic wasting disease test for use on live cervids."

SA 203. Mr. ALLEN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Of the \$10 million available for the Challenge Grant Program, not more than \$3 million shall be made available for Communities In Schools, Inc.

SA 204. Mr. COCHRAN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1032, strike line 21 and all that follows through page 1042, line 7, and insert the following:

TITLE II—AGRICULTURAL ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Agricultural Assistance Act of 2003".

SEC. 202. DEFINITIONS.

In this title:

(1) COVERED COMMODITY.—The term "covered commodity" has the meaning given the term in section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901).

(2) DISASTER COUNTY.—The term "disaster county" means a county included in the geographic area covered by a qualifying natural disaster declaration, excluding a contiguous county.

(3) ELIGIBLE NONINSURABLE COMMODITY.—The term "eligible noninsurable commodity" means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(4) INSURABLE COMMODITY.—The term "insurable commodity" means an agricultural commodity (excluding livestock) produced in an area that is eligible for coverage under a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term "qualifying natural disaster declaration" means—

(A) a natural disaster declared by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(B) a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 203. SUPPLEMENTAL DIRECT PAYMENTS.

(a) IN GENERAL.—The Secretary shall make payments to producers on a farm if—

(1)(A) the farm is located in a disaster county declared during calendar year 2001 or 2002; or

(B) the producers on the farm have incurred qualifying crop losses with respect to the 2001 or 2002 crop of a covered commodity or peanuts due to damaging weather or related condition, as determined by the Secretary using the same loss thresholds for the quantity and quality losses as were used in administering section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549, 1549A-55); and

(2) the producers on the farm are eligible for direct payments for the 2002 crop of a covered commodity or peanuts under sections 1103 and 1303, respectively, of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913, 7953).

(b) AMOUNT.—The amount of the payment made to the producers on a farm under this section shall be equal to 42 percent of the amount of the direct payment the producers on the farm are eligible to receive for the 2002 crop under sections 1103 and 1303, respectively, of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913, 7953).

(c) CROP INSURANCE.—As a condition of the receipt of a payment under this section—

(1) in the case of an insurable commodity, the producers on the farm shall enter into a contract with the Secretary under which the producers on the farm agree—

(A) to obtain at least catastrophic risk protection coverage for each insurable commodity produced on the farm for each of the next 2 crop years for which crop insurance is available under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), as determined by the Secretary; and

(B) on violation of the contract, to repay to the Secretary any payment received under this section; and

(2) in the case of an eligible noninsurable commodity, the producers on the farm shall enter into a contract with the Secretary under which the producers on the farm agree—

(A) to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for each eligible noninsurable commodity produced on the farm for each of the next 2 crop or calendar years (as applicable) under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), as determined by the Secretary; and

(B) on violation of the contract, to repay to the Secretary any payment received under this section.

(d) ADMINISTRATION.—The total amount of payments made to a person under this section for 1 or more covered commodities, and the total amount of payments made to a person under this section for peanuts, shall not exceed the dollar amounts that are specified in paragraphs (1) and (2), respectively, of section 1001(b) of the Food Security Act of 1985 (7 U.S.C. 1308(b)).

(e) TIME FOR PAYMENT.—The Secretary shall make payments under this section as soon as practicable after the date of enactment of this Act.

SEC. 204. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK ASSISTANCE PROGRAM.—Subject to subsection (c), in carrying out the

2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), the Secretary shall—

(1) provide assistance to any applicant that—

(A) conducts a livestock operation that is physically located in a county that requested a declaration as a disaster county during the period beginning on January 1, 2001, and ending on the date of enactment of this Act; and

(B) meets all other eligibility requirements established by the Secretary for the Program;

(2) provide assistance to producers of an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)) that meet all other eligibility requirements established by the Secretary for the Program; and

(3) effective beginning on the date of enactment of this Act, carry out the Program using funds of the Commodity Credit Corporation.

(b) **LIVESTOCK LOSS ASSISTANCE PROGRAM.**—

(1) **IN GENERAL.**—Subject to paragraph (2) and subsection (c), the Secretary shall use \$250,000,000 of funds of the Commodity Credit Corporation to establish a program under which payments for livestock losses are made using the criteria established to carry out the 1999 Livestock Assistance Program to producers for losses in a disaster county declared during calendar year 2001 or 2002.

(2) **CHOICE OF PAYMENTS.**—If the farm of the producers is located in a disaster county declared during each of calendar years 2001 and 2002, the producers on the farm may elect to receive payments under this subsection for losses associated with the qualifying natural disaster declaration in either calendar year 2001 or calendar year 2002, but not both.

(c) **RELATIONSHIP OF LIVESTOCK ASSISTANCE PROGRAMS.**—

(1) **DEFINITION OF LIVESTOCK ASSISTANCE PROGRAM.**—In this subsection, the term “livestock assistance program” means—

(A) the 2002 Cattle Feed Program announced by the Secretary on September 3, 2002 (67 Fed. Reg. 56260);

(B) the 2002 Livestock Compensation Program, as announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070) and modified in accordance with subsection (a); and

(C) the livestock loss assistance program established under subsection (b).

(2) **PAYMENTS.**—The amount of assistance that the producers on a farm would otherwise receive for a loss under a livestock assistance program shall be reduced by the amount of the assistance that the producers on the farm receive under any other livestock assistance program.

SEC. 205. EMERGENCY SURPLUS REMOVAL.

The Secretary shall transfer \$250,000,000 of funds of the Commodity Credit Corporation to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out emergency surplus removal of agricultural commodities.

SEC. 206. SPECIALTY CROPS.

The Secretary shall use \$100,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers directly or through grants to States, or take such other action as the Secretary determines is appropriate, to assist producers of fruits and vegetables (including nuts).

SEC. 207. TOBACCO PAYMENTS.

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE PERSON.**—The term “eligible person” means a person that—

(A) owns a farm for which, irrespective of temporary transfers or undermarketings, a basic quota or allotment for eligible tobacco is established for the 2002 crop year under

part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.);

(B) controls the farm from which, under the quota or allotment for the relevant period, eligible tobacco is marketed, could have been marketed, or can be marketed, taking into account temporary transfers; or

(C) grows, could have grown, or can grow eligible tobacco that is marketed, could have been marketed, or can be marketed under the quota or allotment for the 2002 crop year, taking into account temporary transfers.

(2) **ELIGIBLE TOBACCO.**—The term “eligible tobacco” means each of the following kinds of tobacco:

(A) Flue-cured tobacco, comprising types 11, 12, 13, and 14.

(B) Fire-cured tobacco, comprising types 21, 22, and 23.

(C) Dark air-cured tobacco, comprising types 35 and 36.

(D) Virginia sun-cured tobacco, comprising type 37.

(E) Burley tobacco, comprising type 31.

(F) Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 54, and 55.

(b) **PAYMENTS.**—Not later than June 1, 2003, the Secretary shall use funds of the Commodity Credit Corporation to make payments under this section.

(c) **POUNDAGE PAYMENT QUANTITIES.**—

(1) **IN GENERAL.**—

(A) **FLUE-CURED AND CIGAR TOBACCO.**—In the case of Flue-cured tobacco (types 11, 12, 13, and 14) and cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), the poundage payment quantity under this section shall equal the number of pounds of the basic poundage quota of the kind of tobacco, irrespective of temporary transfers or undermarketings, under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year.

(B) **OTHER KINDS OF ELIGIBLE TOBACCO.**—In the case of each other kind of eligible tobacco, the poundage payment quantity under this section shall equal—

(i) in the case of eligible persons that are owners described in subsection (a)(1)(A), the number of pounds of the basic poundage quota of the kind of tobacco, irrespective of temporary transfers or undermarketings, under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year; and

(ii) in the case of eligible persons that are controllers described in subsection (a)(1)(B) or growers described in subsection (a)(1)(C), the number of pounds of effective poundage quota of the kind of tobacco, including temporary transfers or undermarketings, under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year.

(2) **CONVERSION OF INDIVIDUAL ALLOTMENTS TO POUNDAGE PAYMENT QUANTITIES.**—In the case of each kind of eligible tobacco other than Flue-cured tobacco (types 11, 12, 13, and 14) and Burley tobacco (type 31), individual allotments shall be converted to poundage payment quantities by multiplying—

(A) the number of acres that may, irrespective of temporary transfers or undermarketings, be devoted, without penalty, to the production of the kind of tobacco under the allotment under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year; by

(B)(i) in the case of fire-cured tobacco (type 21), 1,746 pounds per acre;

(ii) in the case of fire-cured tobacco (types 22 and 23), 2,676 pounds per acre;

(iii) in the case of dark air-cured tobacco (types 35 and 36), 2,475 pounds per acre;

(iv) in the case of Virginia sun-cured tobacco (type 37), 1,502 pounds per acre; and

(v) in the case of cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), 2,230 pounds per acre.

(d) **AVAILABLE PAYMENT AMOUNTS.**—The available payment amount for each kind of eligible tobacco under subsection (b) shall not exceed the amount obtained by multiplying—

(1) 5.55 cents per pound; and

(2) the national basic poundage quota for the applicable kind.

(e) **DIVISION OF PAYMENTS AMONG ELIGIBLE PERSONS.**—

(1) **IN GENERAL.**—Payments available with respect to a pound of payment quantity, as determined under subsection (d), shall be made available to eligible persons in accordance with this paragraph, as determined by the Secretary.

(2) **FLUE-CURED AND CIGAR TOBACCO.**—In the case of payments made available in a State under subsection (b) for Flue-cured tobacco (types 11, 12, 13, and 14) and cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), the Secretary shall distribute (as determined by the Secretary)—

(A) 50 percent of the payments to eligible persons that are owners described in subsection (a)(1)(A); and

(B) 50 percent of the payments to eligible persons that are growers described in subsection (a)(1)(C).

(3) **OTHER KINDS OF ELIGIBLE TOBACCO.**—In the case of payments made available in a State under subsection (b) for each other kind of eligible tobacco not covered by paragraph (2), the Secretary shall distribute (as determined by the Secretary)—

(A) 33½ percent of the payments to eligible persons that are owners described in subsection (a)(1)(A);

(B) 33½ percent of the payments to eligible persons that are controllers described in subsection (a)(1)(B); and

(C) 33½ percent of the payments to eligible persons that are growers described in subsection (a)(1)(C).

(f) **SPECIAL RULE FOR GEORGIA.**—The Secretary may make payments under this section to eligible persons in Georgia only if the State of Georgia agrees to use \$13,000,000 to make payments at the same time, or subsequently, to the same persons in the same manner as provided for the Federal payments under this section, as required by section 204(b)(6) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106-224).

(g) **JUDICIAL REVIEW.**—A determination by the Secretary under this section shall not be subject to judicial review.

SEC. 208. COTTONSEED.

The Secretary shall use \$50,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers and first-handlers of the 2002 crop of cottonseed.

SEC. 209. HURRICANE ASSISTANCE.

(a) **IN GENERAL.**—In a State in which a qualifying natural disaster declaration has been made during a calendar year, the Secretary shall make available to first processors that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) assistance in the form of payments, or commodities in the inventory of the Commodity Credit Corporation from carrying out that section, to partially compensate producers and first processors for crop and other losses that are related to the qualifying natural disaster declaration.

(b) **ADMINISTRATION.**—Assistance under this section shall be—

(1) shared by an affected first processor with affected producers that provide commodities to the processor in a manner that

reflects contracts entered into between the processor and the producers; and

(2) made available under such terms and conditions as the Secretary determines are necessary to carry out this section.

(c) **QUANTITY.**—To carry out this section, the Secretary shall—

(1) use 200,000 tons of commodities in the inventory of the Commodity Credit Corporation under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a));

(2) make payments in an aggregate amount equal to the market value of 200,000 tons of commodities described in paragraph (1); or

(3) take any combination of actions described in paragraphs (1) and (2) using commodities or payments with a total market value of 200,000 tons of commodities described in paragraph (1).

(d) **LIMITATIONS.**—The Secretary shall provide assistance under this section only in a State described in section 359f(c)(1)(A) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)(1)(A)) in which a qualifying natural disaster declaration was made during calendar year 2002.

SEC. 210. WEATHER-RELATED LOSSES.

The Secretary shall use not more than \$80,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the 2002 crop year, as determined by the Secretary.

SEC. 211. ASSISTANCE TO AGRICULTURAL PRODUCERS LOCATED ALONG RIO GRANDE FOR WATER LOSSES.

(a) **IN GENERAL.**—The Secretary shall use \$10,000,000 of funds of the Commodity Credit Corporation to make a grant to the State of Texas, acting through the Texas Department of Agriculture, to provide assistance to agricultural producers in the State of Texas with farming operations along the Rio Grande that have suffered economic losses during the 2002 crop year due to the failure of Mexico to deliver water to the United States in accordance with the Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, and Supplementary Protocol signed November 14, 1944, signed at Washington February 3, 1944 (59 Stat. 1219; TS 994).

(b) **AMOUNT.**—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of economic losses described in subsection (a) that were incurred by the producers.

SEC. 212. ASSISTANCE TO AGRICULTURAL PRODUCERS LOCATED IN NEW MEXICO FOR TEBUTHIURON APPLICATION LOSSES.

(a) **IN GENERAL.**—The Secretary shall use not more than \$1,650,000 of funds of the Commodity Credit Corporation to reimburse agricultural producers on farms located in the vicinity of Malaga, New Mexico, for losses incurred during calendar years 2002 and 2003 as the result of the application by the Federal Government of tebuthiuron on land on or near the farms of the producers during August 2002, to remain available until expended.

(b) **AMOUNT.**—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of losses described in subsection (a) that were incurred by the producers.

SEC. 213. ADMINISTRATION.

Section 1232(a)(7)(A)(iii) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(7)(A)(iii)) is amended by inserting before the semicolon the following: “, except that this clause shall not apply during the 2002 calendar year”.

SEC. 214. SENSE OF SENATE ON ASSISTANCE FOR PORK PRODUCERS UNDER THE FEED ASSISTANCE PROGRAMS.

It is the sense of the Senate that—

(1) weather-related disasters have caused economic distress for United States pork producers in the form of higher feed costs;

(2) feed assistance programs administered by the Secretary (such as the Livestock Assistance Program established under part 1439 of title 7, Code of Federal Regulations, and the 2002 Cattle Feed Program announced by the Secretary on September 3, 2002 (67 Fed. Reg. 56260)), have been very effective in—

(A) assisting cow-calf producers that have been negatively affected by weather-related disasters; and

(B) reducing Commodity Credit Corporation-owned stocks of powdered nonfat dry milk; and

(3) the Secretary, using authorities of the Commodity Credit Corporation, should expand feed assistance programs administered by the Secretary to include United States pork producers that are negatively affected by weather-related disasters.

SEC. 215. FUNDING.

(a) **IN GENERAL.**—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

(b) **ADMINISTRATION.**—The Secretary, acting through the Farm Service Agency, may use not more than \$70,000,000 of funds of the Commodity Credit Corporation to cover administrative costs associated with the implementation of this title and title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.), to remain available until expended.

SEC. 216. REGULATIONS.

(a) **IN GENERAL.**—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) **PROCEDURE.**—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SA 205. Mr. McCONNELL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 3 and 4, insert the following:

SEC. 7. PRICE SUPPORT ADJUSTMENTS.

(a) **CARRY FORWARD ADJUSTMENT.**—Section 319(e) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314(e)) is amended in the fifth sentence—

(1) by striking “: Provided, That” and inserting “, except that (1)”; and

(2) by inserting before the period at the end the following: “, (2) the total quantity of all adjustments under this sentence for all farms for any crop year may not exceed 10 percent of the national basic quota for the preceding crop year, and (3) this sentence shall not apply to the establishment of a marketing quota for the 2003 marketing year”.

(b) **SPECIAL REQUIREMENTS.**—During the period beginning on the date of enactment of

this Act and ending on the last day of the 2002 marketing year for the kind of tobacco involved, the Secretary of Agriculture may waive the application of section 1464.2(b)(2) of title 7, Code of Federal Regulations.

(c) REGULATIONS.—

(1) **IN GENERAL.**—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this section and the amendments made by this section.

(2) **PROCEDURE.**—The promulgation of the regulations and administration of this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(3) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SA 206. Mr. VOINOVICH (for himself, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 424, between lines 12 and 13, insert the following:

SEC. 5. EXTENSION OF PROHIBITION OF OIL AND GAS DRILLING IN THE GREAT LAKES.

Section 503 of the Energy and Water Resources Development Appropriations Act, 2002 (115 Stat. 512), is amended by striking “2002 and 2003” and inserting “2002 through 2005”.

SA 207. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 547, between lines 4 and 5, insert the following:

TITLE —OTTAWA NATIONAL WILDLIFE REFUGE COMPLEX

SEC. .01. SHORT TITLE.

This title may be cited as the “Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act”.

SEC. .02. DEFINITIONS.

In this title:

(1) **INTERNATIONAL REFUGE.**—The term “International Refuge” means the Detroit River International Wildlife Refuge established by section 5(a) of the Detroit River International Wildlife Refuge Establishment Act (16 U.S.C. 668dd note; 115 Stat. 894).

(2) **REFUGE COMPLEX.**—The term “Refuge Complex” means the Ottawa National Wildlife Refuge Complex and the lands and waters in the complex, as described in the document entitled “The Comprehensive Conservation Plan for the Ottawa National Wildlife Refuge Complex” and dated September 22, 2000, including—

(A) the Ottawa National Wildlife Refuge, established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(B) the West Sister Island National Wildlife Refuge established by Executive Order No. 7937, dated August 2, 1937; and

(C) the Cedar Point National Wildlife Refuge established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) WESTERN BASIN.—

(A) IN GENERAL.—The term “western basin” means the western basin of Lake Erie, consisting of the land and water in the watersheds of Lake Erie extending from the watershed of the Lower Detroit River in the State of Michigan to and including Sandusky Bay and the watershed of Sandusky Bay in the State of Ohio.

(B) INCLUSION.—The term “western basin” includes the Bass Island archipelago in the State of Ohio.

SEC. 03. EXPANSION OF BOUNDARIES.

(a) REFUGE COMPLEX BOUNDARIES.—

(1) EXPANSION.—The boundaries of the Refuge Complex are expanded to include land and water in the State of Ohio from the eastern boundary of Maumee Bay State Park to the eastern boundary of the Darby Unit (including the Bass Island archipelago), as depicted on the map entitled “Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act” and dated September 6, 2002.

(2) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) BOUNDARY REVISIONS.—The Secretary may make such revisions of the boundaries of the Refuge Complex as the Secretary determines to be appropriate—

(1) to facilitate the acquisition of property within the Refuge Complex; or

(2) to carry out this title.

(c) ACQUISITION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange the land and water, and interests in land and water (including conservation easements), within the boundaries of the Refuge Complex.

(2) CONSENT.—No land, water, or interest in land or water described in paragraph (1) may be acquired by the Secretary without the consent of the owner of the land, water, or interest.

(d) TRANSFERS FROM OTHER AGENCIES.—Administrative jurisdiction over any Federal property that is located within the boundaries of the Refuge Complex and under the administrative jurisdiction of an agency of the United States other than the Department of the Interior may, with the concurrence of the head of the administering agency, be transferred without consideration to the Secretary for the purpose of this title.

(e) STUDY OF ASSOCIATED AREA.—

(1) IN GENERAL.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall conduct a study of fish and wildlife habitat and aquatic and terrestrial communities in and around the 2 dredge spoil disposal sites that are—

(A) referred to by the Toledo-Lucas County Port Authority as “Port Authority Facility Number Three” and “Grassy Island”, respectively; and

(B) located within Toledo Harbor near the mouth of the Maumee River.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(A) complete the study under paragraph (1); and

(B) submit to Congress a report on the results of the study.

SEC. 04. EXPANSION OF INTERNATIONAL REFUGE BOUNDARIES.

The southern boundary of the International Refuge is extended south to include additional land and water in the State of Michigan located east of Interstate Route 75, extending from the southern boundary of Sterling State Park to the Ohio State boundary, as depicted on the map referred to in section 03(a)(1).

SEC. 05. ADMINISTRATION.

(a) REFUGE COMPLEX.—

(1) IN GENERAL.—The Secretary shall administer all federally owned land, water, and interests in land and water that are located within the boundaries of the Refuge Complex in accordance with—

(A) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.); and

(B) this title.

(2) ADDITIONAL AUTHORITY.—The Secretary may use such additional statutory authority available to the Secretary for the conservation of fish and wildlife, and the provision of opportunities for fish- and wildlife-dependent recreation, as the Secretary determines to be appropriate to carry out this title.

(b) ADDITIONAL PURPOSES.—In addition to the purposes of the Refuge Complex under other laws, regulations, executive orders, and comprehensive conservation plans, the Refuge Complex shall be managed—

(1) to strengthen and complement existing resource management, conservation, and education programs and activities at the Refuge Complex in a manner consistent with the primary purposes of the Refuge Complex—

(A) to provide major resting, feeding, and wintering habitats for migratory birds and other wildlife; and

(B) to enhance national resource conservation and management in the western basin;

(2) in partnership with nongovernmental and private organizations and private individuals dedicated to habitat enhancement, to conserve, enhance, and restore the native aquatic and terrestrial community characteristics of the western basin (including associated fish, wildlife, and plant species);

(3) to facilitate partnerships among the United States Fish and Wildlife Service, Canadian national and provincial authorities, State and local governments, local communities in the United States and Canada, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the western basin; and

(4) to advance the collective goals and priorities that—

(A) were established in the report entitled “Great Lakes Strategy 2002—A Plan for the New Millennium”, developed by the United States Policy Committee, comprised of Federal agencies (including the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the United States Geological Survey, the Forest Service, and the Great Lakes Fishery Commission) and State governments and tribal governments in the Great Lakes basin; and

(B) include the goals of cooperating to protect and restore the chemical, physical, and biological integrity of the Great Lakes basin ecosystem.

(c) PRIORITY USES.—In providing opportunities for compatible fish- and wildlife-dependent recreation, the Secretary, in accordance with paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure, to the maximum extent practicable, that hunting, trapping, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge Complex.

(d) COOPERATIVE AGREEMENTS REGARDING NON-FEDERAL LAND.—To promote public awareness of the resources of the western basin and encourage public participation in the conservation of those resources, the Secretary may enter into cooperative agreements with the State of Ohio or Michigan, any political subdivision of the State, or any person for the management, in a manner consistent with this title, of land that—

(1) is owned by the State, political subdivision, or person; and

(2) is located within the boundaries of the Refuge Complex.

(e) USE OF EXISTING GREENWAY AUTHORITY.—The Secretary shall encourage the State of Ohio to use authority under the recreational trails program under section 206 of title 23, United States Code, to provide funding for acquisition and development of trails within the boundaries of the Refuge Complex.

SEC. 06. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary—

(1) to acquire land and water within the Refuge Complex under section 03(c);

(2) to carry out the study under section 03(e); and

(3) to develop, operate, and maintain the Refuge Complex.

SA 208. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

“SEC. . BANDON CRANBERRY WATER CONTROL DISTRICT.

“(a) Of the funds made available to the United States Department of Agriculture for the Rural Community Advancement Program, \$250,000 shall be made available from the Rural Community Facilities Grant Program for grants to the Bandon Cranberry Water Control District in Coos County, Oregon, to help meet certain debt obligations for existing water supply projects.

“(b) The Department is further directed to work with the Bandon Cranberry Water Control District to restructure its remaining debt on water supply projects, in light of the significant reduction in commodity prices experienced by the cranberry growers in recent years.”

SA 209. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

“SEC. . BANDON CRANBERRY WATER CONTROL DISTRICT.

“(a) Of the funds made available to the United States Department of Agriculture for the Rural Community Advancement Program, \$250,000 shall be made available from the Rural Community Facilities Grant Program for grants to the Bandon Cranberry Water Control District in Coos County, Oregon, to help meet certain debt obligations for existing water supply projects.”

SA 210. Mr. NICKLES submitted an amendment intended to be proposed by

him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 578 strike lines 15 through 19.

SA 211. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 772, beginning with line 24, strike through line 2 on page 773.

SA 212. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 745, beginning with "account; to be available" in line 24, strike through line 12 on page 749, and insert "account."

SA 213. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 731, beginning with "the following" in line 10, strike through line 2 on page 735, and insert, "sums shall be made available for Intelligent Transportation System projects that are designed to achieve the goals and purposes set forth in section 5203 of the Intelligent Transportation Systems Act of 1998 (subtitle C of title V of Public Law 105-178; 112 Stat. 453; 23 U.S.C. 502 note)."

SA 214. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 262, beginning with "That" in line 2, strike through "State," in line 24, and insert "That the Secretary of the Army, acting through the Chief of Engineers, may use up to \$5,000,000 of Construction, General funding as provided herein for construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River except that the funds shall not become available until completion of the feasibility study required by Public Law 105-245, for the continuation of which the Secretary may use \$500,000 of such funding, and except that the funds for such construction shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects: *Provided fur-*

ther, That the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further*, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission."

SA 215. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1052, line 5, strike "1.6 percent" and insert: "0.5 percent".

SA 216. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, line 9, insert the following: "SEC. 136. At the end of Pub. L. No. 92-203, as amended, insert the following new section:

"Notwithstanding any other provision of law, section 4(5) of Pub. L. 100-497 shall include those entities defined in section 3(g) of Pub. L. 92-203, and 25 U.S.C. sections 465 and 467 shall be applicable to such entities to carry out, within the continental United States, the purposes of Pub. L. 100-497. For the sole purpose of carrying out the activities permitted by Pub. L. 100-497, those entities shall be deemed to be on the list provided for in Pub. L. 103-454 and in carrying out these activities shall have the same powers, authority, status and immunities as if included on that list. The applicable Secretary, utilizing the authority provided in section 22(f) of Pub. L. 92-203 or 1302(h) of Pub. L. 96-487 may in his or her discretion enter into a land exchange pursuant thereto. An entity defined in section 3(g) of Pub. L. 92-203 may apply, for a period of ten years from the date of enactment of this section, to the Secretary of the Interior to have title to any lands that have been or may be acquired by the entity pursuant to section 22(f) of Pub. L. 92-203, section 1302(h) of Pub. L. 96-487, or subsections 12(b)(6) or 12(b)(7) of Pub. L. 94-204, as amended, placed in the status described in 25 U.S.C. sections 465 and 467 to carry out the purposes of Pub. L. 100-497, and the Secretary shall accept title to such lands and place them into such status forthwith, and such lands shall be deemed to have been in such status prior to October 17, 1988."

SA 217. Mr. STEVENS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. . Funding for the Individuals with Disabilities Education Act. In addition to any amounts otherwise appropriated under this Act for support of Part B of the Individuals with Disabilities Education Act, the following sum is appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, \$1,500,000,000, which shall become available on October 1, 2003, and shall remain available through September 30, 2004, academic year 2003-2004.

SA 218. Mr. HATCH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC 7(c) OF PL 106-143 IS AMENDED BY STRIKING "2001", AND INSERTING 2004.

SA 219. Mr. HATCH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, between lines 8 and 9, insert the following:

SEC. . BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL.

(a) COST SHARING.—Public Law 99-558 (100 Stat. 3144) is amended by striking section 2 and inserting the following:

"SEC. 2. COST SHARING.

"Up to 25 percent of the total cost of establishing the memorial may be derived from Federal sources."

(b) REPEAL OF DUPLICATIVE ENACTMENTS.—

(1) Section 118 of Public Law 99-500 (100 Stat. 1783-266) is repealed.

(2) Title VIII of Public Law 99-590 (100 Stat. 3339) is repealed.

(3) Section 118 of Public Law 99-591 (100 Stat. 3341-266) is repealed.

SA 220. Mrs. BOXER (for herself, Mr. ENSIGN, and Mr. SPECTER) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . FUNDING FOR AFTER-SCHOOL PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) There remains a great need for after-school programs. The Census Bureau reported that at least 8 to 15 million children have no place to go after school is out.

(2) According to the FBI, youth are most at risk for committing violent acts and being victims of violent crimes between 3 p.m. and 8 p.m.—after school is out and before parents arrive home.

(3) Studies show that organized extra-curricular activities, such as after-school programs, reduce crime, drug use, and teenage pregnancy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that every effort should be made to—

(1) accommodate the waiting lists of children needing access to after-school programs; and

(2) fund after-school programs at the level authorized in the Leave No Child Behind Act.

SA 221. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1014, between lines 13 and 14, insert the following:

SEC. . SCOPE OF FEDERAL JURISDICTION OVER WATERS OF THE UNITED STATES

None of the funds made available under this Act shall be used—

(1) to promulgate or implement any regulation relating to the scope of Federal jurisdiction under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) over waters of the United States (including the proposed rulemaking described in the notice issued on January 15, 2003 (68 Fed. Reg. 1991 (January 15, 2003)) or any similar regulation); or

(2) to implement as a policy of the Federal Government the holding in *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers*, 531 U.S. 159 (2001), relating to the scope of Federal jurisdiction conferred by Congress under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), so as to apply the holding of that case to any factual situation other than the precise facts in that case.

SA 222. Mrs. BOXER submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1014, between lines 13 and 14, insert the following:

SEC. . FEDERAL JURISDICTION OVER WATERS OF THE UNITED STATES.

"No funds made available by this Act shall be used by the Administration of the Environmental Protection Agency or the Secretary of the Army Corps of Engineers to exempt any bodies of water that are currently covered by the Clean Water Act from the Clean Water Act."

SA 223. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 486, between lines 8 and 9, insert the following:

SEC. . CALIFORNIA OFFSHORE OIL LEASES.

"No funds made available by this act shall be used by the Secretary of the Interior to approve any exploration, development, or production plan for, or application for a permit to drill on, the 36 undeveloped leases in southern California planning area of the outer Continental Shelf during any period in which the leases are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases."

SA 224. Mr. BOND submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1014, after line 13, insert the following new section, with the section renumbered as appropriate:

"SEC. 423. SECTION 214 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980 (42 U.S.C. 1436a) IS AMENDED BY:

(1) in subsection (a)(6), by striking out "or" at the end;

(2) by renumbering paragraph (7) as (8) in subsection (a);

(3) by adding after paragraph (6) in subsection (a), the following new paragraph: "(7)

a qualified alien described in 8 U.S.C. 1641, or";

(4) in subsection (c)(1)(A), by striking "paragraphs (1) through (6)" and inserting "paragraphs (1) through (7)"; and

(5) in subsection (c)(2)(A), by inserting "(other than a qualified alien as described in 8 U.S.C. 1641(c))" after "any alien".

SA 225. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 259, line 19, strike "projects;" and insert "projects; and of which \$55,000,000 shall be available for the Southeast Louisiana project:".

SA 226. Mr. KOHL submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 7, strike "\$682,814,000" and insert "\$678,814,000".

On page 35, line 12 strike "\$86,762,000" and insert "\$82,762,000".

On page 43, line 7, strike "\$35,000,000" and insert "\$34,000,000".

On page 43, line 18, strike "\$47,498,000" and insert "\$46,498,000".

In Division A, at the appropriate place, insert the following new section:

SEC. . There is hereby appropriated \$6,000,000 for grants made available in accordance with section 7412 of Public Law 107-171."

SA 227. Mr. KOHL submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On Page 41, line 20, strike "\$55,956,000" and insert "\$53,956,000".

On Page 42, line 14, strike "\$730,000,000" and insert "\$722,000,000".

In Division A, at the appropriate place, insert the following new section:

SEC. . There is hereby appropriated an amount sufficient for expansion of the program described in section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) to include an additional twenty states; *Provided*, That these funds should be used to include states with the lowest program participation rates averaged over the three previous years.

SA 228. Mr. HARKIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 17 through 20.

SA 229. Mr. HARKIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 24, strike "\$133,155,000" and insert "\$118,155,000".

SA 230. Mr. MCCAIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 263, beginning with "\$346,437,000," in line 24, strike through line 6 on page 264 and insert "\$331,687,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, using \$250,000 of the funds provided herein, is directed to continue environmental review and project plans for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi."

SA 231. Mr. GRAHAM of Florida (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1047, between lines 19 and 20, insert the following:

SEC. 404. (a) The letter to State Medicaid Directors dated December 20, 2002, from Dennis G. Smith, Director, Center for Medicaid and State Operations of the Centers for Medicare & Medicaid Services (relating to placing limits on coverage of emergency services under the medicaid program under title XIX of the Social Security Act), shall have no force or effect and State medicaid programs shall be administered without regard to such letter.

(b) None of the funds appropriated or made available in this Act may be used for payments for medicaid expenditures directly or indirectly related to capitation payments (or other forms of premium or risk payments) to a managed care entity (including a primary care case manager) that does not pay for use of emergency services by a medicaid beneficiary enrolled with the entity that meet the prudent layperson standard under 1932(b)(2) of the Social Security Act (42 U.S.C. 1396u-2(b)(2)).

SA 232. Mr. GRAHAM of Florida (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1047, between lines 19 and 20, insert the following:

SEC. 404. (a) The letter to State Medicaid Directors dated December 20, 2002, from Dennis G. Smith, Director, Center for Medicaid and State Operations of the Centers for Medicare & Medicaid Services (relating to placing limits on coverage of emergency services under the medicaid program under title XIX of the Social Security Act), shall have no force or effect and State medicaid programs shall be administered without regard to such letter.

(b) None of the funds appropriated or made available in this Act may be used for payments for medicaid expenditures directly or indirectly related to capitation payments (or other forms of premium or risk payments) to a managed care entity (including a primary care case manager) that does not pay for use of emergency services by a medicaid

beneficiary enrolled with the entity that meet the prudent layperson standard under 1932(b)(2) of the Social Security Act (42 U.S.C. 1396u-2(b)(2)).

(c) None of the funds appropriated or made available in this Act may be used to approve medicaid plan amendments, waivers, or waiver amendments that restrict payment on behalf of a medicaid beneficiary enrolled with a managed care entity (including a primary care case manager) for use of emergency services that meet the prudent layperson standard under section 1932(b)(2) of the Social Security Act (42 U.S.C. 1396u-2(b)(2)).

SA 233. Mr. CORZINE (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, between lines 23 and 24, insert the following:

SEC. 110. None of the funds appropriated by this Act may be used to remove, deport, or detain an alien spouse or child of an individual who died as a result of a September 11, 2001, terrorist attack, unless the alien spouse or child is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) or deportable under paragraph (2) or (4) of section 237(a) of that Act (8 U.S.C. 1227(a)) (including any terrorist perpetrator of a September 11, 2001, terrorist attack against the United States); or

(2) a member of the family of a person described in paragraph (1).

SA 234. Mr. CORZINE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1026, after line 22, add the following:

SEC. 111. (a) In addition to amounts appropriated in Public Law 107-248, funds are hereby appropriated for the National Commission To Fight Terrorist Attacks Upon the United States for fiscal year 2003 in the total amount of \$3,000,000.

(b) The total amount appropriated under the heading "Departmental offices, salaries, and expenses" in title I of division J of this Act is hereby reduced by \$3,000,000.

SA 235. Mr. CORZINE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1026, after line 22, add the following:

SEC. 111. (a) In addition to amounts appropriated in Public Law 107-248, funds are hereby appropriated for the National Commission To Fight Terrorist Attacks Upon the United States for fiscal year 2003 in the total amount of \$300,000,000.

SA 236. Mr. HARKIN submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for

other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 3 and 4, insert the following:

SEC. 7. SENSE OF THE SENATE CONCERNING CERTAIN FUNDS FOR TECHNICAL ASSISTANCE FOR MANDATORY CONSERVATION PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) conservation technical assistance provided through the Department of Agriculture is essential to help the farmers, ranchers, and landowners of the United States to implement and maintain critical conservation practices;

(2) Congress provided a historic increase in mandatory funding for voluntary conservation efforts in the Farm Security and Rural Investment Act of 2002 (Public Law 107-171);

(3) in that Act, Congress provided mandatory funding sufficient to cover all conservation technical assistance needed to carry out conservation programs;

(4) under that Act, conservation technical assistance is provided to carry out conservation programs;

(5) the General Accounting Office has determined that, under the Farm Security and Rural Investment Act of 2002, funding for conservation technical assistance—

(A) is provided directly for conservation programs; and

(B) is not subject to the limitation specified in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(6) the General Accounting Office has determined that funds in the Conservation Operations account cannot be used to fund conservation technical assistance for conservation programs under the Farm Security and Rural Investment Act of 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President should provide full funding for conservation technical assistance in order to implement conservation programs under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.); and

(2) the President should not use funds from the Conservation Operations account to provide conservation technical assistance for carrying out conservation programs directly funded by that title.

SA 237. Mr. DODD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 596, between lines 2 and 3, insert the following:

ELECTION REFORM GRANT PROGRAM

Notwithstanding title I of division B, the appropriation under such title of \$50,000,000 to the Office of Justice Programs of the Department of Justice for an election reform grant program is rescinded, the proviso relating to such appropriation shall have no effect, and there is appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Health and Human Services for the expenses authorized by part 2 of subtitle D of title II of the Help America Vote Act of 2002 (Public Law 107-252; 116 Stat. 1698), relating to payments to States and units of local government to assure access for individuals with disabilities, \$50,000,000, to remain available until expended.

SA 238. Mr. DODD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropri-

tions for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 111, line 25, strike “: Provided, That” and all that follows before the period on page 112, line 4.

SA 239. Mr. DODD submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 1032, strike lines 18 through 20, and insert the following:

carry out the provisions of the Help America Vote Act of 2002 (Public Law 107-252; 116 Stat. 1666), to remain available until expended.

SA 240. Mr. SMITH submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CLARIFICATION OF CERTAIN PATENT PROVISIONS TO RAILROAD CARS.

Section 272 of title 35, United States Code, is amended by adding after the period the following: “This section shall apply to any vehicle that is a railroad car entering and leaving the United States on a regular basis.”.

SA 241. Mr. CHAFEE submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of Division G, add the following:

SEC. . HIGHER EDUCATION FUNDING.

Notwithstanding any other provision of this Act, of the amounts appropriated under this Act for programs or activities under title III of Division G that are in excess of \$54,195,685,000 that are available for distribution to States and local educational agencies in accordance with sections 5111 and 5112 of the Elementary and Secondary Education Act of 1965—

(1) \$1,350,000,000 shall be available to the Secretary of Education to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (Federal Pell Grants); and

(2) \$150,000,000 shall be available to the Secretary of Education for programs under the Higher Education Act of 1965, other than programs under subpart 1 of part A of title IV of such Act.

SA 242. Mr. EDWARDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

“The Secretary of the Army, acting through the Chief of Engineers, is directed to provide \$2,900,000 of the funds provided therein for the continuation of the shore protection project in Dare County (Bodie Island), North Carolina, as authorized by Section 101

(24) of the Water Resources Development Act of 2000."

SA 243. Mr. EDWARDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 3 and 4, insert the following:

SEC. 7. RURAL HOUSING SERVICE.

Title III of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, is amended in the first paragraph under the heading "RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)" under the heading "RURAL HOUSING SERVICE" (114 Stat. 1549, 1549A-19) by inserting before the period at the end the following: "Provided further, That after September 30, 2002, any funds remaining for the demonstration program may be used, within the State in which the demonstration program is carried out, for fiscal year 2003 and subsequent fiscal years to make grants, and to cover the costs (as defined in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a)) of loans authorized, under section 504 of the Housing Act of 1949 (42 U.S.C. 1474)".

SA 244. Mr. EDWARDS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . BLUE RIDGE NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term "Heritage Area" means the Blue Ridge National Heritage Area established by subsection (b).

(2) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area designated by subsection (d).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area approved under subsection (e).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of North Carolina.

(b) ESTABLISHMENT.—There is established the Blue Ridge National Heritage Area in the State.

(c) BOUNDARIES.—The Heritage Area shall consist of the counties of Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

(d) MANAGEMENT ENTITY.—

(1) IN GENERAL.—As a condition of the receipt of funds made available under subsection (i)(1), the Blue Ridge National Heritage Area Partnership shall be the management entity for the Heritage Area.

(2) BOARD OF DIRECTORS.—The management entity shall be governed by a board of directors composed of 9 members, of whom—

(A) 2 members shall be appointed by AdvantageWest;

(B) 2 members shall be appointed by Hand-Made In America, Inc.;

(C) 1 member shall be appointed by the Education and Research Consortium of Western North Carolina;

(D) 1 member shall be appointed by the Eastern Band of the Cherokee Indians; and

(E) 3 members shall—

(i) be appointed by the Governor of the State;

(ii) reside in geographically diverse regions of the Heritage Area;

(iii) be a representative of State or local governments or the private sector; and

(iv) have knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resources development, regional planning, conservation, recreational services, education, or museum services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the management entity shall—

(A) for the purpose of presenting a unified preservation and interpretation plan, take into consideration Federal, State, and local plans; and

(B) provide for the participation of residents, public agencies, and private organizations in the Heritage Area.

(3) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations and strategies for the conservation, funding, management, and development of the Heritage Area;

(B) identify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(C) include—

(i) an inventory of the cultural, historical, natural, and recreational resources of the Heritage Area, including a list of property that—

(I) relates to the purposes of the Heritage Area; and

(II) should be conserved, restored, managed, developed, or maintained because of the significance of the property;

(ii) a program of strategies and actions for the implementation of the management plan that identifies the roles of agencies and organizations that are involved in the implementation of the management plan;

(iii) an interpretive and educational plan for the Heritage Area;

(iv) a recommendation of policies for resource management and protection that develop intergovernmental cooperative agreements to manage and protect the cultural, historical, natural, and recreational resources of the Heritage Area; and

(v) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this Act.

(4) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date described in paragraph (1), the Secretary shall not provide any additional funding under this Act until a management plan is submitted to the Secretary.

(5) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under paragraph (1), the Secretary shall approve or disapprove the management plan.

(B) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether the management plan—

(i) has strong local support from landowners, business interests, nonprofit organizations, and governments in the Heritage Area; and

(ii) has a high potential for effective partnership mechanisms.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(D) DEADLINE FOR APPROVAL OF REVISION.—Not later than 60 days after the date on which a revision is submitted under subparagraph (C), the Secretary shall approve or disapprove the proposed revision.

(6) AMENDMENT OF APPROVED MANAGEMENT PLAN.—

(A) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(i) review the management plan; and

(ii) submit to the Secretary, for review and approval, the recommendation of the management entity for any amendments to the management plan.

(B) USE OF FUNDS.—No funds made available under subsection (i)(1) shall be used to implement any amendment proposed by the management entity under subparagraph (A)(ii) until the Secretary approves the amendment.

(f) AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.—

(1) AUTHORITIES.—For the purposes of developing and implementing the management plan, the management entity may use funds made available under subsection (i)(1) to—

(A) make loans and grants to, and enter into cooperative agreements with, the State (including a political subdivision), nonprofit organizations, or persons;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(2) DUTIES.—In addition to developing the management plan, the management entity shall—

(A) develop and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the Heritage Area;

(B) conduct public meetings in the Heritage Area at least semiannually on the development and implementation of the management plan;

(C) give priority to the implementation of actions, goals, and strategies in the management plan, including providing assistance to units of government, nonprofit organizations, and persons in—

(i) carrying out the programs that protect resources in the Heritage Area;

(ii) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(iii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iv) developing recreational and educational opportunities in the Heritage Area; and

(v) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area; and

(D) for any fiscal year for which Federal funds are received under subsection (i)(1)—

(i) submit to the Secretary a report that describes, for the fiscal year—

(I) the accomplishments of the management entity;

(II) the expenses and income of the management entity; and

(III) each entity to which a grant was made;

(ii) make available for audit by Congress, the Secretary, and appropriate units of government, all records relating to the expenditure of funds and any matching funds; and

(iii) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records relating to the expenditure of funds.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds received under subsection (i)(1) to acquire real property or an interest in real property.

(g) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide to the management entity technical assistance and, subject to the availability of appropriations, financial assistance, for use in developing and implementing the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that facilitate—

(A) the preservation of the significant cultural, historical, natural, and recreational resources of the Heritage Area; and

(B) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources of the Heritage Area.

(h) LAND USE REGULATION.—

(1) IN GENERAL.—Nothing in this Act—

(A) grants any power of zoning or land use to the management entity; or

(B) modifies, enlarges, or diminishes any authority of the Federal Government or any State or local government to regulate any use of land under any law (including regulations).

(2) PRIVATE PROPERTY.—Nothing in this Act—

(A) abridges the rights of any person with respect to private property;

(B) affects the authority of the State or local government with respect to private property; or

(C) imposes any additional burden on any property owner.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$10,000,000, of which not more than \$1,000,000 shall be made available for any fiscal year.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under paragraph (1) shall be not less than 50 percent.

(j) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

SA 245. Mr. DOMENICI submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

On Page 1027, strike Title II of Division M in its entirety and insert the following:

TITLE II—PRICE-ANDERSON ACT AMENDMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the “Price-Anderson Amendments Act of 2002”.

SEC. 202. EXTENSION OF INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.—Section 170c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking “LICENSEES” and inserting “LICENSEES”; and

(2) by striking “August 1, 2002” each place it appears and inserting “August 1, 2017”.

(b) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170d. (1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking “December 31, 2004” and inserting “August 1, 2017”.

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking “August 1, 2002” each place it appears and inserting “August 1, 2017”.

(d) EFFECTIVE DATE.—The indemnification authority extended by this section shall apply to nuclear incidents occurring on or after August 1, 2002.

SEC. 203. MAXIMUM ASSESSMENT.

Section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended—

(1) in the second proviso of the third sentence of subsection b.(1)—

(A) by striking “\$63,000,000” and inserting “\$94,000,000”; and

(B) by striking “\$10,000,000 in any 1 year” and inserting “\$15,000,000 in any 1 year (subject to adjustment for inflation under subsection t.)”; and

(2) in subsection t.(1)—

(A) by inserting “total and annual” after “amount of the maximum”; and

(B) by striking “the date of the enactment of the Price-Anderson Amendments Act of 1988” and inserting “July 1, 2002”; and

(C) by striking “such date of enactment” and inserting “July 1, 2002”.

SEC. 204. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

(2) In an agreement of indemnification entered into under paragraph (1), the Secretary—

“(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

“(B) shall indemnify the persons indemnified against such liability above the amount of the financial protection required, in the amount of \$10,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with the contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.”.

(b) CONTRACT AMENDMENTS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following:

“(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2002, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.”.

“(c) LIABILITY LIMIT.—Section 170 e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended—

(1) by striking “the maximum amount of financial protection required under subsection b. or”; and

(2) by striking “paragraph (3) of subsection d., whichever amount is more” and inserting “paragraph (2) of subsection d.”.

SEC. 205. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking “\$100,000,000” and inserting “\$500,000,000”.

(b) LIABILITY LIMIT.—Section 170 e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking “\$100,000,000” and inserting “\$500,000,000”.

SEC. 206. REPORTS.

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking “August 1, 1998” and inserting “August 1, 2013”.

SEC. 207. INFLATION ADJUSTMENT.

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

“(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2002, in accordance with the aggregate percentage change in the Consumer Price Index since—

“(A) that date, in the case of the first adjustment under this paragraph; or

“(B) the previous adjustment under this paragraph.”.

SEC. 208. TREATMENT OF MODULAR REACTORS.

Section 170b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended by adding at the end the following:

“(5)(A) For purposes of this section only, the Commission shall consider a combination of facilities described in subparagraph (B) to be a single facility having a rated capacity of 100,000 electrical kilowatts or more.

“(B) A combination of facilities referred to in subparagraph (A) is 2 or more facilities located at a single site, each of which has a rated capacity of 100,000 electrical kilowatts or more but not more than 300,000 electrical kilowatts, with a combined rated capacity of not more than 1,300,000 electrical kilowatts.”.

SEC. 209. APPLICABILITY.

The amendments made by sections 203, 204, and 205 do not apply to a nuclear incident that occurs before the date of the enactment of this Act.

SEC. 210. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A b.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2 282 a(b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NOT-FOR-PROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

“d. (1) Notwithstanding subsection a., in the case of any not-for-profit contractor, subcontractor, or supplier, the total amount of civil penalties paid under subsection a. may not exceed the total amount of fees paid within any one-year period (as determined by the Secretary) under the contract under which the violation occurs.

“(2) For purposes of this section, the term ‘not-for-profit’ means that no part of the net earnings of the contractor subcontractor, or supplier inures, or may lawfully inure, to the benefit of any natural person or for-profit artificial person.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any

violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of enactment of this section.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that three hearings have been scheduled before the Committee on Energy and Natural Resources to consider the President's proposed FY 2004 budget.

The Committee will hear testimony from the following:

1. The Department of the Interior on Tuesday, February 11, 2003, beginning at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

2. The Forest Service on Thursday, February 13, 2003, beginning at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

3. The Department of Energy on Tuesday, February 25, 2003, beginning at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

For further information on these hearings, please call Jennifer Owen, Staff Assistant at (202) 224-5305.

PRIVILEGE OF THE FLOOR

Mr. EDWARDS. Mr. President, I ask unanimous consent the privilege of the floor be granted to Erica Burens of my staff during today's business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FILING OF MOTION TO INSTRUCT CONFEREES TO H.J. RES. 2

Ms. STABENOW. Mr. President, I move that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the joint resolution H.J. Res. 2 be instructed to insist that the committee of conference ensure that the joint resolution as reported from the committee includes section 102 of division L relating to Homeland Security Act of 2002 Amendments, as passed by the Senate, (relating to amendments to sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107-296)).

ORDERS FOR WEDNESDAY, JANUARY 22, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m., on Wednesday, January 22. I further ask unanimous consent that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.J.

Res. 2, the appropriations bill, as under the previous order.

Mr. REID. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF TOM RIDGE

Mr. MCCONNELL. As in executive session, I ask unanimous consent that the agreement with respect to the Ridge nomination be modified so that the time allocated to Senator FEINSTEIN be given to Senator NELSON of Nebraska. I further ask unanimous consent that given the statement of the Senator from Delaware this evening, the time allocated to Senator CARPER be vitiated.

Mr. REID. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of Senators, there will be two votes beginning at 9:30 tomorrow morning. Following those votes, the Senate will begin consideration of the nomination of Tom Ridge. A vote is expected on that nomination prior to the policy luncheons on Wednesday. It is the intention of the majority leader to recess for those luncheons following the vote on the Ridge nomination. Senators can expect additional votes tomorrow afternoon and into the evening as the Senate continues to consider amendments to the appropriations bill.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Wednesday, January 22, 2003, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate January 21, 2003:

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DANIEL P. HUDSON, 0000

DEPARTMENT OF DEFENSE

LAWRENCE MOHR, JR., OF SOUTH CAROLINA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2003, VICE JOHN E. CONNOLLY, TERM EXPIRED.

LAWRENCE MOHR, JR., OF SOUTH CAROLINA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2009. (RE-APPOINTMENT)

DEPARTMENT OF HOMELAND SECURITY

JANET HALE, OF VIRGINIA, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

THE JUDICIARY

JUDITH NAN MACALUSO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR

COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE A NEW POSITION CREATED BY PUBLIC LAW 107-114, APPROVED JANUARY 8, 2002.

JOSEPH MICHAEL FRANCIS RYAN III, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE A NEW POSITION CREATED BY PUBLIC LAW 107-114, APPROVED JANUARY 8, 2002.

JERRY STEWART BYRD, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE A NEW POSITION CREATED BY PUBLIC LAW 107-114, APPROVED JANUARY 8, 2002.

DEPARTMENT OF EDUCATION

KAREN JOHNSON, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION, VICE REBECCA O. CAMPOVERDE.

RAILROAD RETIREMENT BOARD

MICHAEL SCHWARTZ, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2007, VICE CHERRYLL T. THOMAS, TERM EXPIRED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ALBERT T. CHURCH III, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARGARET C. GRAM, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

JAMES V. ENGLISH, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

JAMES C. BALSERAK, 0000
JAMES H. BARTLETT, 0000
MICHAEL S. BRONSTEIN, 0000
GLENN R. MARKENSON, 0000
REID T. MULLER, 0000
MARTIN E. SELLBERG, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

TIMOTHY H. LEWIS, 0000

THE FOLLOWING NAMED OFFICER FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

HOWARD S. LOLLER, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 628, AND 3064:

To be colonel

JOHN F. NEPTUNE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

CHARLES E. SWALLOW, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAINS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

WAYNE C. HOLLENBAUGH, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064: